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Thursday
June 4, 1981

Highlights

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Highlights

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A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Presidential Determination No. 81–9 of June 2, 1981

Renewal of Trade Agreements with Romania and Hungary—Findings and Determinations under Subsection 405(b)(1) of the Trade Act of 1974

Memorandum for the United States Trade Representative

Pursuant to my authority under the Trade Act of 1974 (Public Law 93–618, January 3, 1975; 88 Stat. 1978), I find, pursuant to subsection 405(b)(1) of that Act, that a satisfactory balance of concessions in trade and services has been maintained during the lives of the Agreements on Trade Relations between the United States and the Socialist Republic of Romania and the Hungarian People's Republic. I further determine that actual or foreseeable reductions in United States tariffs and non-tariff barriers to trade resulting from multilateral negotiations have been satisfactorily reciprocated by the Socialist Republic of Romania and by the Hungarian People's Republic.

These findings and determinations shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, June 2, 1981

[FR Doc. 81-16642
Filed 6-3-81; 11:36 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 46, No. 107
Thursday, June 4, 1981

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 525]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period June 5, 1981–June 11, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and is not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone, 202–447–5975.

The committee met again publicly on June 2, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. Section 907.825 is added as follows:

§ 907.825 Navel Orange Regulation 525.

The quantities of navel oranges grown in Arizona and California which may be handled during the period June 5, 1981, through June 11, 1981, are established as follows:

(1) District 1: 1,000,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 3, 1981

D. S. Kuryloski
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-16046 Filed 6-3-81; 11:50 am]
BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Multiple Use of Petition Prohibited

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule codifies Service practice for invalidating a visa petition after the beneficiary becomes a lawful permanent resident alien. The petition thereafter cannot be used to support a priority date or subsequent status classification through attempted multiple use.

EFFECTIVE DATE: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, NW, Washington, D.C. 20536. Telephone, (202) 633–3048.

For specific information: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW, Washington, D.C. 20536. Telephone, (202) 633–3946.

SUPPLEMENTARY INFORMATION: It is the Service's practice to consider any visa petition invalid after it has been used to support a beneficiary's adjustment of status to that of a lawful permanent resident alien. This practice applies to acquiring lawful permanent residence under both sections 222 and 245 of the Act. Petition to classify Status of Alien Relative for Issuance of Immigrant Visa, Form I–130, and Petition to Classify Preference Status of Alien on Basis of Profession or Occupation, Form I–140 are within the ambit of this practice. The reaffirmation or reinstatement referred to in paragraph (c) of 8 CFR 204.4, relating to a subsequent petition by the same petitioner for the same

beneficiary, applies only when the beneficiary's status has not been adjusted previously to that of a lawful permanent resident alien.

Compliance with the provisions of 5 CFR Part 553 as to notice of proposed rule making is unnecessary because the amendment merely codifies long standing policy and practice and is not newly restrictive in nature.

Accordingly, Chapter 1 of Title 8 Code of Federal Regulations is amended as follows:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Section 204.4 is amended by adding paragraph (f) to read as follows:

§ 204.4 Validity of Approved Petitions

* * * * *

(f) *Exception to Revalidation.*

Any petition approved under Section 204(b) of the Act ceases to convey a priority date or visa classification, and cannot be restored after it has been used by a beneficiary to obtain either an adjustment of status to lawful permanent residence or admission as an immigrant to lawful residence based upon a consular immigrant visa.

(Secs. 103 and 204; 8 U.S.C. 1103 and 1154)

Certification

In accordance with 5 U.S.C. 605(b), this rule will not have a significant economic impact on a substantial number of small entities nor is it a major rule as defined in E.O. 12291 because the rule merely codifies long standing Service policy and practice.

Dated: March 4, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-16654 Filed 6-3-81; 8:45 am]

BILLING CODE 4410-10-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

10 CFR Parts 1500, 1502 and 1534

Certification to Office of Advocacy Regarding the Regulatory Flexibility Act

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Notice of Certification that Final Rules Do Not Have a Significant Economic Impact on a Substantial Number of Small Entities.

SUMMARY: Take notice that on May 22, 1981, the Federal Inspector certified that two rules, published by the Office of the Federal Inspector (OFI) on April 16, 1981, on OFI functions, powers and duties and its organization (46 FR 22328) and on enforcement procedures for ANGTS equal opportunity regulations (46 FR 22334) have no significant economic impact on a substantial number of small entities. This certification, to the Office of Advocacy at the Small Business Administration, is rendered pursuant to the Regulatory Flexibility Act (RFA), Pub. L. 96-354, 5 U.S.C. 605(b).

FOR FURTHER INFORMATION CONTACT: Mr. Ned Hengerer, General Counsel, Office of the Federal Inspector, ANGTS, Room 3407, Post Office Building, 1200 Pennsylvania Ave., NW, Washington, D.C. 20044 (202) 275-1144.

The first (final) rule, 10 CFR Parts 1500 and 1502, represents a pro forma statement of OFI functions, powers, and duties and OFI organization. With no proposed rulemaking preceding the final rule, it is outside the scope of the RFA. Section 4, 5 U.S.C. 601. Moreover, because it merely describes the OFI, the final rule imposes no economic impact, whether on small or large entities.

The second (final) rule, 10 CFR Part 1534, establishes enforcement procedures for the ANGTS equal opportunity regulations, which the OFI is required to enforce. Because the proposed rulemaking was published before January 1, 1981, this final rule is likewise outside the scope of the RFA. Nevertheless, if significant economic impact results (a questionable assumption), it will not fall on a substantial number of small entities. The primary entities subject to this final rule are the three companies sponsoring ANGTS, the largest privately-financed construction project in U.S. history: By definition, they are not small business entities. The secondary entities subject to this final rule are the major suppliers of goods and services for this construction. Most of them are also large companies. Finally, the intended beneficiaries of this final rule include minority and female business enterprises, most of which are "small business entities" under the RFA. 5 U.S.C. 601(3).

Dated: May 22, 1981.

John T. Rhett,

Federal Inspector.

[FR Doc. 81-16070 Filed 6-3-81; 8:45 am]

BILLING CODE 6820-AW-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-SO-30; Amdt. 39-4127]

Airworthiness Directives; Lockheed Model 382 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection and repair, if necessary, of the left and right Buttock Line 20.00 Longeron Splice Joints at Fuselage Station 597.00 on certain Lockheed Model 382 series airplanes. The AD is needed to determine if an out-of-tolerance condition exists which can result in a negative margin of safety and possible failure of the longeron at the critical loading condition.

DATE: Effective June 5, 1981. Compliance required during the next "B" or "C" inspection/check, whichever occurs first, after the effective date of the AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from the Lockheed-Georgia Company, Marietta, Georgia 30063.

A copy of the service bulletin is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT: Jack Bentley, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: It has been determined that during production assembly of Lockheed Model 382 series airplanes center fuselage, the Buttock Line 20.00 Longeron Splice Angles at Fuselage Station 597.00 on some airplanes were inadvertently located higher or lower than required. This condition caused the center line of the bolts in the longeron splices to be shifted from their designed locations. The out-of-tolerance misalignment can result in a negative margin of safety and possible failure of the longeron at the critical loading condition. Since this condition is likely to exist on or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection and repair, if necessary, of the right and

left Buttock Line 20.00 Longeron Splice Joints located in the center fuselage just below the upper skin panel and slightly aft of the center wing rear beam at Fuselage Station 597.00. If out-of-tolerance misalignment conditions are found to exist, operating restrictions for pressurization, ramp cargo load and maximum operating airspeed are required until repairs are accomplished.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive (AD):

Lockheed: Applies to Model 382 series airplanes, Serial Numbers 3946 and 4101 through 4871 except 4834, 4839, 4850, and 4853, certificated in all categories.

Compliance required during the next "B" or "C" inspection/check, whichever occurs first after the effective date of this AD, unless already accomplished. To prevent possible failure of the longerons, accomplish the following:

a. Inspect the center fuselage upper longeron splice bolts, immediately aft of fuselage station 597.00, along buttock line 20.00, on each side of the airplane, for correct installation, and determine the condition category of the airplane in accordance with Lockheed-Georgia Company Service Bulletin No. A382-53-29, Revision 1, dated April 24, 1981, or later FAA approved revision.

b. If an out-of-tolerance condition is found to exist, accomplish one of the following:

1. Based on the condition category, placard the airplane in accordance with Lockheed-Georgia Company Service Bulletin No. A382-53-29, Revision 1, dated April 24, 1981, or later FAA approved revision, and incorporate Airplane Flight Manual (AFM) Supplement No. 382-11, dated February 18, 1981. The AFM Supplement may be obtained from the Lockheed-Georgia Company, Marietta, Georgia 30063. If repairs are accomplished in accordance with b.2., placards and AFM Supplement may be discarded.

2. Repair the airplane in accordance with Lockheed-Georgia Company Service Bulletin No. A382-53-29, Revision 1, dated April 24, 1981, or later FAA approved revision, or an alternate method of compliance, approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

c. An alternate method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

d. Special flight permits may be issued in accordance with FAR 21.197 and 121.199 to operate airplanes to a base in order to comply with the requirements of this AD.

This amendment becomes effective June 5, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in East Point, Georgia, on May 26, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-16616 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-CE-9-AD; Amdt. 39-4126]

Airworthiness Directives; Beech Models 65-88, 65-90, 65-A90, B90, C90, E90, 100, A100, and B100 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which supersedes AD 77-23-07, Amendment 39-3082, and applies to the same 1137 Beech Models 65-88, 65-90, 65-A90, B90, C90, E90, 100, A100 and B100 airplanes. It requires repetitive visual inspections of cast acrylic cabin and cockpit side windows and "on condition" replacements with stretched acrylic windows. This action is needed because cast acrylic windows have failed despite compliance with AD 77-23-07.

DATE: Effective date June 11, 1981.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Beechcraft Service Instructions No. 0711-110, Revision III, applicable to this AD, may be obtained from Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. A copy of the instructions is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591, and Office of Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Ross R. Spencer, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: The FAA has determined that a cast acrylic window failed so as to cause decompression of 17 airplanes which had reportedly or presumably been inspected in accordance with AD 77-23-07. During two of these failures, window fragments hit and slightly injured the occupant who was seated next to the window when it failed. The FAA has determined that inspection criteria and inspection intervals of AD 77-23-07 are inadequate. More stringent and more frequent inspections are required by the following new AD. As before, required inspections may be discontinued for an airplane when the Aircraft Maintenance Record clearly shows that each cast acrylic cabin and cockpit side window in the airplane has been replaced with a stretched acrylic window. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Beech: Applies to the following models and serial numbers of airplanes certificated in any category unless the Aircraft Maintenance Record clearly shows that each cast acrylic window has been replaced with a stretched acrylic window of the Beech Part Number specified in Paragraph C of this AD.

Models	Serial numbers
65-88	LP-1 through LP-26, LP-28 and LP-30 through LP-47.
65-90, 65-A90, B90 and C90	LJ-1 through LJ-680.
E90	LW-1 through LW-178.
100 and A100	B-1 through B-226.
B100	BE-1 through BE-8.

COMPLIANCE: Required as indicated unless already accomplished. To

prevent decompression and possible injury caused by failure of a cast acrylic window, accomplish the following in accordance with Revision III of Beechcraft Service Instructions Number 0711–110, hereinafter called said instructions:

(A) Visually inspect each cast acrylic window in accordance with said instructions at the following times:

1. Initially, within 50 hours time-in-service after the effective date of this AD, and

2. Repetitively, within each 50 hours time-in-service for each window previously found to have mild star crazing as defined by said instructions, and

3. Repetitively, within each 300 hours time-in-service for a window previously found to be free of all defects defined by said instructions, and

4. Within 50 hours time-in-service after any stripping and repainting in the area of the window, and

5. No later than 1 year after the last previous inspection.

(B) Polish away each minor scratch in accordance with said instructions. Inspect in accordance with Paragraph A of this AD after this polishing is accomplished.

(C) Prior to next flight after each required inspection, replace each window that is found to have any crack, fissure, stress craze, or scratch not polished away per Paragraph, B, above. Use procedures in said instructions to install a stretched acrylic window of a Beech Part Number specified below.

Window	Beech part number
Round, cabin area	50–420013–1053.
Oval, baggage area	50–440014–837 or –838.
Cockpit, side, standard	50–420066–317 or –318.
Cockpit, side, oversize	50–420066–353 or –354.

(D) Make an appropriate entry in the Aircraft Maintenance Record which, along with previous entries, clearly shows each location at which a stretched acrylic window has been installed.

(E) Compliance specified in Paragraphs A, B and C of this AD is not required if the pressurization system is deactivated as follows, and the aircraft is operated in accordance with this limitation:

1. Secure the "Test/Dump" switch in the "Dump" position, and

2. Fabricate a placard, "Cabin Pressurization Prohibited" of 3/16-inch or larger letters and install it on the control panel adjacent to pressurization system controls, and

3. Insert a copy of this AD in the "Limitations" section of the airplane flight manual.

4. Make an appropriate entry in the Aircraft Maintenance Record showing compliance with this paragraph. The provisions of this paragraph may be accomplished by the holder of at least a private pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person, provided the airplane is not used in air carrier service.

(F) Aircraft may be flown unpressurized to a location where the inspections/repairs required by this AD can be performed.

(G) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building 2299, Wichita, Kansas 67209; Telephone (316) 942–4285.

This AD supersedes AD 77–23–07, Amendment 39–3082.

This Amendment becomes effective June 11, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Beech Aircraft Corporation, 9709 East Central, Wichita, Kansas 67201. These documents may also be examined at FAA, Central Region Office, 601 East 12th Street, Kansas City, Missouri 64106, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Central Region in Kansas City, Missouri.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on May 26, 1981.

James O. Robinson,

Acting Director, Central Region.

[FR Doc. 81–16617 Filed 6–3–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 81–NE–08; Amdt. 39–4124]

Airworthiness Directives; Sikorsky S-62 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On March 16, 1981, an emergency airworthiness directive (AD), No. T81–06–53, was issued requiring a daily visual inspection, a periodic dye penetrant inspection, and the removal of defective rotor brake discs. This is required to prevent operation with cracked rotor brake discs. The AD is now being published in the Federal **Register** as an amendment to the Federal Aviation Regulations.

DATES: Effective June 4, 1981. Compliance schedule—As prescribed in text of AD.

ADDRESSES: To obtain copies of the Alert Service Bulletin, referenced in the AD, contact Manager, Technical Services, Commercial Customer Service, Sikorsky Aircraft Division, North Main Street, Stratford, Connecticut 06602. A copy of the Alert Service Bulletin is contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Bernard Schaffer, Systems Section, ANE–213, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone: (617) 273–7332.

SUPPLEMENTARY INFORMATION: The emergency airworthiness directive was adopted and made effective to all known United States operators of Sikorsky S–62 helicopters on March 16, 1981. It was required as the result of an in-flight failure of a rotor brake disc.

This condition still exists, and this AD is now being published in the Federal **Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public

procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

SIKORSKY AIRCRAFT DIVISION: Applies to S-62 Series helicopters, certificated in all categories, equipped with P/N S6235-20213 (Goodyear 9430301) rotor brake disc.

Compliance required as indicated, unless previously accomplished:

A. To prevent operation with cracked rotor brake discs, accomplish the following:

(1) Prior to the next flight and prior to the first flight of each day thereafter, visually inspect the rotor brake disc for cracks in accordance with Paragraph E(1) of Sikorsky Alert Service Bulletin 62B35-12.

(2) Within the next 10 flight hours, and every 120 flight hours thereafter, do a detailed inspection of the rotor brake disc installation and a dye penetrant inspection of the rotor brake disc for possible cracks, in accordance with Paragraph E(2) of Sikorsky Alert Service Bulletin 62B35-12.

(3) If crack indications exist, replace the disc in accordance with the applicable Sikorsky S-62 Maintenance Manual, and resume inspections per Paragraphs A(1) and A(2) above.

B. To prevent grounding of helicopters due to nonavailability of serviceable rotor brake discs, the rotor brake system may be temporarily deactivated as follows:

(1) Remove rotor brake cylinder (with bracket) and disc from main gearbox per applicable Sikorsky S-62 Maintenance Manual. Cap and clamp lines.

(2) Placard cockpit to indicate that rotor brake system is not operational.

(3) Rotor brake systems may be reactivated, as soon as serviceable discs are available, by reinstalling cylinder, bracket, and disc in accordance with the applicable Sikorsky S-62 Maintenance Manual. Remove placard from cockpit, and resume inspections per Paragraphs A(1) and A(2) above.

C. Report within 24 hours any discrepancies found to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

D. Upon request of the operator, an equivalent means of compliance with the requirements of this AD may be approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.

Note.—Sikorsky Alert Service Bulletin No. 62B35-12, dated March 12, 1981, applies to this AD.

The manufacturer's Alert Service Bulletin and Maintenance Manual identified and described in this directive are incorporated herein and made a part thereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Manager, Technical Services, Commercial Customer Service, Sikorsky Aircraft Division, North Main Street, Stratford, Connecticut 06602. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803 and FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591.

This amendment becomes effective June 4, 1981, except for recipients of the Emergency AD, dated March 16, 1981, for whom it became effective upon receipt.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Burlington, Massachusetts, May 22, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-16622 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-SO-25]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Redesignation of Control Zone, Greenville, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment redesignates the Greenville, South Carolina, control zone, from part-time with regular hours to part-time with irregular hours and corrects the airport name to Greenville Downtown Airport. This redesignation provides the capability of making minor changes in the effective control zone hours by issuance of a Notice to Airmen.

EFFECTIVE DATE: 0901 GMT, August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Eleanor J. Williams, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

In Subpart F, § 71.171 (46 FR 455), Part 71 of the Federal Aviation Regulations (14 CFR Part 71) the Greenville, South Carolina, control zone is designated as part-time, 0700 to 2300 hours, local time, daily. This conforms with the present Greenville Downtown Airport Traffic Control Tower (ATCT) hours of operation.

Due to declining aircraft activity, on July 1, 1981, the ATCT hours of operation will be reduced to 0700 to 2200 hours, local time, daily. Since weather observations and two-way radio communications are provided by the ATCT, it is necessary to change the effective hours of the control zone to coincide with those of the ATCT. The capability of changing the effective hours of the control zone by a Notice to Airmen is provided by this amendment when minor variations in time are anticipated to conform with seasonal trends in aircraft activity.

Since the aforementioned action will have minimal impact upon the user, it is found that notice and public procedure hereon are impracticable and contrary to the public interest.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations redesignates the Greenville, South

Carolina, control zone from part-time with regular hours to part-time with irregular hours and corrects the airport name in the control zone description.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171, Subpart F, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (46 FR 455) is further amended, effective 0901 GMT, August 6, 1981, as follows:

Greenville, S.C.

"* * * Greenville Municipal Downtown Airport * * *" is deleted and "* * * Greenville Downtown Airport * * *" is substituted therefor; and "* * * effective from 0700 to 2300 hours, local time, daily * * *" is deleted and "* * * This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory * * *" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on May 26, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-16630 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-1785]

James B. Lansing Sound, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order, among other things, reopens the proceeding and modifies the order issued by the Commission on August 24, 1970, 77 F.T.C. 1165, 35 FR 15807, by replacing Paragraph I(2) of the original order with one containing additional language which permits the firm to establish lawful, reasonable and non-discriminatory minimum standards for its dealers, and to withhold its products from dealers who fail to maintain those standards.

DATES: Final order issued Aug. 24, 1970. Modifying order issued May 20, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinberg, Washington, D.C. 20580, (202) 376-2863.

SUPPLEMENTARY INFORMATION: In the Matter of James B. Lansing Sound, Inc. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, and appearing in 35 FR 15807, remain unchanged.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Reopening and Modification of Order is as follows:

By petition of April 10, 1981, respondent James B. Lansing Sound, Inc. ("JBL") requests that Paragraph I(2) of the Commission's order issued against JBL on August 24, 1970 be modified so that the order would no longer prohibit JBL from establishing performance standards for sellers of its loudspeakers. Pursuant to section 2.51 of the Commission's Rules of Practice the petition was placed on the public record for comment. Attorneys for Best Products Co., Inc. filed the only comment requesting that the Commission deny JBL's petition.

JBL had previously petitioned the Commission to modify the consent order; the Commission denied this petition by order dated August 29, 1978. The Commission found that although there had been a change of law since the order was issued the petition had made an inadequate showing of the need for the requested relief.

Upon consideration of JBL's petition and supporting materials and the public comment, the Commission now finds that JBL has a very small market share and that JBL would likely suffer significant competitive injury unless the order is modified. Further the Commission notes that the proposed modification relates only to a nonprice vertical restraint that the Commission's complaint had not alleged to be a reinforcing mechanism for resale price fixing. For these reasons the Commission has determined that the order should be modified.

Accordingly, it is ordered, That the proceeding be, and it hereby is, reopened.

It is further ordered, That the order to cease and desist be, and it hereby is, modified by substituting the following for Paragraph I(2).

2. Preventing or prohibiting any independent dealer or distributor from reselling his products to any person or group of persons, business or class of businesses, except as expressly provided herein. This order shall not prohibit James B. Lansing Sound, Inc. from establishing lawful, reasonable, and non-discriminatory minimum standards for its dealers, including standards that relate to promotion and store display, demonstration, inventory levels, service and repair, volume requirements and financial stability; nor shall this order prohibit respondent from requiring its dealers who sell JBL products for resale to make such sales only to dealers who maintain such minimum standards.

By direction of the Commission. Commissioner Pertschuk did not participate. Commissioner Bailey voted in the negative.

Carol M. Thomas,

Secretary.

[FR Doc. 81-16601 Filed 6-3-81; 8:45 am]

BILLING CODE 6750-01-M

[1] Filed as part of the original document.

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1031 and 1032

Voluntary Standards Activities; Modification of Policy

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission is issuing modifications to its policy concerning association with voluntary standards development groups. These modifications deal primarily with procedural matters such as the frequency of staff reports on voluntary standards, meetings with voluntary standards development groups and terms used to describe the levels of involvement with voluntary standards groups.

EFFECTIVE DATE: These modification take effect July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Bert Simson, Director, Office of Program Management, Consumer Product Safety

Commission, Washington, D.C. 20207, (301) 492-6554.

SUPPLEMENTARY INFORMATION:

Commission policy statements concerning voluntary safety standards and involvement of Commission staff with voluntary standards development groups reflect the Commission's belief that voluntary standards can significantly contribute to the Commission's goal of reducing hazards associated with consumer products. In 1978, the Commission published guidelines and requirements at 16 CFR 1031 entitled Employee Membership and Participation in Voluntary Standards Organizations, which set forth the criteria for staff involvement with voluntary standards groups. A Commission statement of policy and procedure at 16 CFR 1032, entitled Commission Involvement in Voluntary Standards Activities, describes the extent and form of Commission involvement in these activities and how these affect Commission programs.

The Commission has had considered experience with voluntary standards efforts and groups since these statements became effective and believes that some modifications would make the program more effective and efficient. Consequently, on November 19, 1980 (45 FR 76447), the Commission proposed the following:

(1) Program managers may occasionally attend meetings of voluntary standards development groups with which Commission staff may be involved for the purpose of providing guidance based on program needs; (2) to avoid confusion, the descriptions of levels of Commission staff involvement with voluntary standards development groups is changed, although the extent of substantive involvement is unchanged; (3) preparation of staff reports to the Commission on staff involvement with voluntary standards development is changed from quarterly to semiannually because experience shows that semiannual reports would be sufficiently informative.

The Commission received comments from four persons on these proposed revisions. A summary of the proposed revisions, the rationale underlying the proposed revisions and a discussion of the comments received follows.

(1) Occasional attendance of program managers at meetings.

Current regulations provide that program managers are among Commission employees who may not take part in voluntary standards development efforts unless the Commission permits such participation on a case-by-case basis. The Commission was concerned that a conflict of interest could occur if program managers, responsible for making recommendations to the Commission about voluntary standards, were to take part in those activities. Such conflicts, however, have not, in fact, materialized. This may be due, in part, to the fact that there is no inconsistency between the two functions and, in part, due to the higher levels of review to which recommendations of program managers are subject. These higher levels of review will not be specifically referred to in the modifications issued below.

This change is warranted by the Commission's experience over the past several years with the attendance of program managers at occasional meetings of voluntary standards development groups, in which Commission technical staff members have been involved. Occasional attendance by program managers has helped focus deliberations of voluntary standards groups and speed up the development process. By the nature of their work, program managers deal with multidisciplinary coordination of the staff's technical skills within current Commission projects. Thus, at critical junctures in the development of voluntary standards, program managers are in a position to communicate Commission policy on all aspects of a project and to assess whether timely progress within the context of Commission policy is taking place.

Based on this experience, the Commission proposed modifying § 1031.5(b)(4) by providing that: "with advance approval by the Executive Director, to be provided on a case-by-case basis, program managers may occasionally, not regularly, attend meetings of voluntary standards development groups in order to provide the program context for the voluntary standards development efforts with which Commission technical employees may be involved." Further, the Commission proposed that § 1031.5(i), as set forth below, provide that any recommendations made by a program manager concerning voluntary standards be reviewed by higher level Commission employees.

There were two comments on this section. One commenter suggested that one senior staff manager should be responsible for deciding which activities should be initiated and attended and that Program Managers should regularly attend meetings of voluntary standards organizations.

The Commission believes that when there is CPSC involvement in a voluntary standards effort, technical staff, as opposed to program managers, should attend most of the meetings of voluntary standards development groups since most of the deliberations are of a technical nature. Program Managers should concentrate their efforts on meetings where Commission policy and work progress are discussed. With regard to the suggestion that one senior manager make decisions about initiating and attending voluntary standards meetings, it is now the practice for senior management to make such decisions, except for the decision to "participate" in a voluntary standards activity, which can only be made by the Commission. The decision to "monitor" a voluntary standards activity can be made only by the Executive Director. Once those decisions are made, however, and there is an ongoing voluntary standard monitoring or participation activity, decisions about who should attend which meetings are made by the appropriate Program Managers in conjunction with the Director of the Office of Program Management (OPM) and the Executive Director.

(2) Terms to describe levels of CPSC staff involvement with voluntary standards development groups.

In the past, the Commission has used three terms to describe Commission involvement in voluntary standards activities. In ascending order of involvement, these are liaison, monitoring and participating. Liaison has been used to describe a minimal form of involvement which consisted of providing voluntary standards groups with Commission materials and maintaining some contact with them. Monitoring was used to describe closer contact, including attendance at meetings and staff review of meeting minutes and draft voluntary standards. Participation involved regular attendance of CPSC staff, as nonvoting members, at voluntary standards development meetings and active involvement of staff in technical committee deliberations. In addition to the expenditure of staff time, participation sometimes involves the expenditure of resources for research, engineering support or information and education programs for certain voluntary standards efforts. The initial decision to participate in a voluntary standard development effort always required a vote of the Commission. Liaison and monitoring could be undertaken upon approval of the Executive Director.

Experience has shown that the critical factor distinguishing the levels of

Commission involvement in voluntary standards activities is the expenditure of staff time and resources. There is a distinction then between participation (which involves significant Commission resources) and the two other levels, monitoring and liaison (which do not). There is no real distinction between liaison and monitoring. Because the terms are so closely related and do not by themselves differentiate the extent of staff involvement, the Commission proposed that these two terms be combined under one term. Accordingly, the Commission proposed to modify section 1032.2(b) to combine present descriptions of liaison and monitoring into one term, monitoring. The term participation is unchanged and the decision to participate in a voluntary standards effort still requires Commission approval; the decision to monitor can be made by the Executive Director.

One commenter suggested changing the terms "monitoring" to "participating" and "participating" to "supporting" because he believes that these terms accurately describe the Commission's voluntary standards activities.

Based on staff experience in the area, the Commission believes that the critical change that needs to be made is to reduce the descriptive levels of the Commission's involvement in the voluntary standards from three to two, because descriptions of additional levels are not meaningful. The important distinction that needs to be made is between the level that involves significant staff time or expenditure of resources and the level that does not. Reducing the number of terms to two makes that distinction more precise. Rather than introducing a new term to describe either of the two levels, staff believes that using terms with which the public is already familiar will result in greater understanding of the change. Moreover, introduction of a new term, "supporting," as suggested, could be misleading since the Commission is always supportive of voluntary efforts to increase the safety of products.

The Commission therefore modifies section 1032.2, as proposed and set forth below.

(3) Frequency of reports on voluntary standards activities.

The Commission proposed revising section 1032.2(c) to require semiannual rather than quarterly reports on voluntary standards activities. Experience has shown that quarterly reports are not needed to keep the Commission abreast of voluntary standards activities. The Commission is informed about the voluntary standards efforts in which the staff is participating actively within the context of ongoing hazard programs; quarterly reporting on other efforts tends to be repetitive and provides little new or useful information. Twice-yearly reports can keep the Commission adequately informed.

Two commenters believe that the reports should continue to be prepared quarterly. One commenter states that semi-annual reporting "may be contrary to the recommendations being developed by the Department of Commerce in implementing the provision of OMB Circular A-119 regarding the establishment of a central register of all voluntary standards activities in which Federal agencies are involved." Whether the recommendations for the implementation of OMB A-119 will call for quarterly reporting is not known, but since the Commission has found that semi-annual reports are sufficient to keep the agency informed about voluntary standards activities, it believes that such reports will be adequate for the purposes of the Department of Commerce. Accordingly, the Commission concludes that section 1032.2(b) should be revised as proposed and set forth below.

There were other comments filed on the subject of voluntary standards generally rather than on the three revisions to the policy being proposed. One commenter questioned statements in the "Supplementary Information" section of the **Federal Register** notice of November 19, 1980, which described the way the Commission's Division of Voluntary Standards was formerly organized. The commenter believes the statement "formerly a discrete staff unit dealt with voluntary standards development activities as such, rather than regarding such activities as integral parts of ongoing Commission programs" is inaccurate and unfair. What that statement intended to convey was that until recently, voluntary standards activities were supervised by a manager within the Office of Program Management who coordinated such activities across hazard program lines. These responsibilities are now shared by seven program managers, each responsible for a particular hazard area. Voluntary standards now stand alongside mandatory standards activities as integral parts of ongoing Commission hazard programs.

Several commenters suggested that the Commission follow more closely OMB Circular A-119. OMB Circular A-119, entitled "Federal Participation in the Development and use of Voluntary Standards," was issued on January 17, 1980. The Circular seeks to establish a policy of relying on voluntary standards with respect to Federal procurement, whenever feasible, and encourages the participation of federal agencies in voluntary standards bodies which conduct their activities in accordance with specified due process and other criteria. The Circular also seeks to facilitate the coordination of federal agency participation in voluntary standards. As an independent federal agency, the Commission is not bound by the provisions of OMB Circular A-119. CPSC has, nonetheless, commented extensively on the Circular and agrees with its purpose. Consistent with its own mandate, the Commission will continue to adhere to the principles the Circular intends to further and believes its policy with regard to voluntary standards is consistent with the spirit and intent expressed in A-119.

There were several other comments concerning the importance of participation and representation of federal agencies on voluntary standards generating committees and the general comment that the Commission's proposed revisions evidence a reduction of interest in voluntary safety standards. The Commission concludes that these proposed revisions demonstrate a continuing commitment to a program that will efficiently and effectively further the use of voluntary standards whenever they can aid the Commission in its effort to reduce unreasonable risk of injury and death from consumer projects.

Conclusion

After considering the four comments, and the opinion of the Commission's staff on the proposed revisions to the voluntary standards policy, the Commission finds that the proposed revisions are in the public interest and will further the work of the Commission with voluntary standards development groups. Therefore, under the Consumer Product Safety Act, 15 U.S.C. 2051 et seq., the Commission amends Part 1031 and Part 1032 of Title 16, Chapter II, Subchapter A, as follows:

1. Section 1031.5 is amended by revising paragraphs (b)(4) and (i) to read as follows:

§ 1031.5 Participation criteria.

(a) * * *

(b) * * *

(4) Programs Managers in the Office of Program Management except that: with advance approval of the Executive Director, to be provided on a case-by-case basis, program managers may occasionally, not regularly, attend

meetings of voluntary standards development groups in order to provide the program context for the voluntary standard development efforts with which Commission technical employees may be involved.

* * * * *

(i) Commission employees who monitor or participate in the development of a voluntary standard, and who later participate in an official capacity in the evaluation of that standard, shall describe clearly in their evaluation of that standard the extent of their involvement in its development. Any evaluation or recommendation shall be reviewed by higher-level commission employees.

* * * * *

2. Section 1032.2(b) is amended by changing the word "three" to "two" in the third sentence, by revising and combining paragraphs (b)(1) and (b)(2) into paragraph (b)(1), and by renumbering paragraph (b)(3) as (b)(2) as follows:

§ 1032.2 Extent and form of Commission involvement in the development of voluntary standards.

* * * * *

(b) [Amended]

* * * * *

(1) Monitoring. Monitoring involves maintaining an awareness of the voluntary standards development process through oral or written inquiries, receiving and reviewing minutes of meetings and copies of draft standards, and attending meetings for the purpose of observing and commenting during the standards development process. For example, monitoring involves responding to requests from voluntary standards organizations, standards development committees, trade associations and consumer organizations, by providing information concerning the risks of injury associated with particular products, NEISS data, summaries and analyses of in-depth investigation reports; discussing Commission goals and objectives with regard to voluntary standards and improved consumer product safety; responding to requests for information concerning Commission programs; and initiating contacts with voluntary standards organizations to discuss cooperative voluntary standards activities.

(2) Participating. * * *

* * * * *

3. Section 1032.3 is amended by revising paragraphs (a) and (c) to read as follows:

§ 1032.3 Determination of Commission involvement in voluntary standards activities; summary of activities.

(a) The Executive Director shall approve Commission activities that are within the definition of "monitoring."

* * * * *

(c) The Office of Program Management is responsible for preparing a semiannual summary of such activities for the Commission. The summary shall set forth, among other things, voluntary standards meetings attended, dates of the meeting, staff members in attendance, location of the meetings, the status of the CPSC involvement, and the extent to which each of the criteria set out in section 1032.5 for staff participation is being met for each proceeding.

Dated: May 29, 1981.

Sayde E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-16653 Filed 6-3-81; 8:45 am]

BILLING CODE 6355-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 15, 16, 17, 18, and 21

Deliveries and Exchanges of Futures for Physicals; Reporting Open Positions

Correction

In FR Doc. 81-14434, appearing on page 26472, in the issue of Wednesday, May 13, 1981, make the following change:

The date at the end of the DATE: section, now reading "June 12, 1981." should be changed to read "June 21, 1981."

BILLING CODE 1501-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR, Part 0

[Order No. 947-81]

Delegation of the Attorney General's Authority

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order delegates to the Assistant Attorney General in charge of the Land and Natural Resources Division authority to approve conveyances made or accepted by the Secretary of the Interior on behalf of the United States pursuant to authority granted in the Act of June 4, 1934, 48 Stat. 836. The effect of this delegation is to reassign to the Assistant Attorney General, Land and Natural Resources Division, the approval authority granted to the Attorney General by the Act of June 4, 1934, 48 Stat. 836. This delegation will provide efficient and effective management and coordination of the Department's authority under the Act of June 4, 1934, 48 Stat. 836.

EFFECTIVE DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: James T. Draude, Trial Attorney, General Litigation Section, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 (202/633-3796).

SUPPLEMENTARY INFORMATION: This order deals with agency management; therefore, it is not required to be, and has not been, published in proposed form for comment under 5 U.S.C. § 553(b); it is not a rule within the meaning of, or subject to, the Regulatory Flexibility Act, 5 U.S.C. § 601, *et seq.;* and it is not a rule within the meaning of, or subject to, Executive Order No. 12291 ("Federal Regulation").

Accordingly, by virtue of the authority vested in me as Attorney General by 5 U.S.C. § 301 and 28 U.S.C. § 510, Part 0 of Title 28, Code of Federal Regulations, is hereby amended by adding a new § 0.69a to read as follows:

§ 0.69a Delegation respecting approval of conveyances

The Assistant Attorney General in charge of the Land and Natural Resources Division, and such members of his staff as he may specifically designate in writing, are authorized to exercise the power and authority vested in the Attorney General by the Act of June 4, 1934, 48 Stat. 836, with respect to approving the making or acceptance of conveyances by the Secretary of the Interior on behalf of the United States.

Dated: May 26, 1981.

William French Smith,

Attorney General.

[FR Doc. 81-16604 Filed 6-3-81; 8:45 am]

BILLING CODE 4410-01-M

28 CFR Part 0

[Order No. 946-81]

Procurement Matters; Editorial Amendment

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order sets forth the functions of the Contract Review

Committee, which was created by an internal order on January 16, 1981. The procurement authority previously conferred upon the Assistant Attorney General for Administration and the bureaus will be limited to the extent that certain procurement activities will be subject to the review of the Committee.

EFFECTIVE DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: William L. Vann, Executive Secretary, Contract Review Committee, Office of Personnel and Administration, Justice Management Division, Department of Justice, Washington, D.C. 20530 ((202) 724–7837).

SUPPLEMENTARY INFORMATION: This rule pertains to agency management and contracts. It is not a rule within the meaning of or subject to the requirements of either Executive Order No. 12291 ("Federal Regulation") or the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*

By virtue of the authority vested in me as Attorney General by 28 U.S.C. 509 and 510, and 5 U.S.C. 301, § 0.139 of Title 28 of the Code of Federal Regulations is revised as follows:

§ 0.139 Procurement matters.

The following shall control as to procurement matters:

(a) Except as to those matters designated by the Assistant Attorney General for Administration, to whom the responsibility for control of expenditures is assigned by Subpart O, the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of the Federal Prison Industries, the Commissioner of the Immigration and Naturalization Service, the Administrator of the Drug Enforcement Administration, the Director of the Office of Justice Assistance, Research and Statistics and the Director of the U.S. Marshals Service are, as to their respective jurisdictions, authorized to exercise the authority vested in the Attorney General by law with respect to procurement matters. The Department of Justice Contract Review Committee will review contracts, prior to award, as specified in paragraph (b) of this section, except that contracts of the Federal Bureau of Investigation shall be reviewed within that Bureau.

(b) The Department of Justice Contract Review Committee is established for the purpose of providing a review of proposed contract awards to ensure compliance with procurement statutes, established regulations, and Department of Justice procurement policies and procedures. Contract review shall be limited to:

(1) Noncompetitive sole-source contracts and modifications or amendments to contracts, including such contracts pertaining to automatic data processing equipment, supplies, services or maintenance, which exceed $50,000.

(2) Formal contracts, regardless of contract type, exceeding $100,000 and contract modifications or amendments to existing formal contracts which cause the total contract costs to exceed $100,000.

(3) Other unusual or difficult contracts that are of a potentially controversial nature as identified by either the procurement office supporting the organizational component or the Contract Review Committee based on information which has come to the Committee's attention.

(c) The Assistant Attorney General for Administration is authorized to postaudit and correct any procurement transactions throughout the Department entered into pursuant to the delegation of authority set forth in paragraph (a) of this section, and to inspect at any time the procurement operations of the Federal Bureau of Investigation, the Bureau of Prisons, the Federal Prison Industries, the Immigration and Naturalization Service, the Drug Enforcement Administration and the U.S. Marshals Service.

Dated: May 26, 1981.

William French Smith,

Attorney General.

[FR Doc. 81-16603 Filed 6-3-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Royalty on Unprocessed Gas; Rule Intent

AGENCY: U.S. Geological Survey, Interior.

ACTION: Clarification of the intent of the revised 30 CFR 250.66, in part, and related Notice to Lessees and Operators (NTL).

SUMMARY: The qualifying remarks issued herein are a further interpretation of the intent of the revised 30 CFR 250.66, in part, and its companion NTL as related to royalty on injected gas or liquids.

FOR FURTHER INFORMATION CONTACT: Price McDonald, Branch of Offshore Field Operations, Conservation Division, U.S. Geological Survey, Mail Stop 640, Reston, Virginia 22092, Telephone (703) 860–6831.

SUPPLEMENTARY INFORMATION: Principal author: Price McDonald, Branch of Offshore Field Operations, Conservation Division, U.S. Geological Survey, Mail Stop 640, Reston, Virginia 22092, Telephone (703) 860–6831. In the **Federal Register** issue of April 2, 1981 (Vol. 46, No. 63, page 19935), an erratum notice served to change the regulation 30 CFR 250.66 such that the second sentence would read as follows:

> Royalty is not due on gas or liquids produced from, and reinjected to, a reservoir within the same lease or unit until such time as they are finally produced from a reservoir.

In the **Federal Register** issue of April 17, 1981 (Vol. 46, No. 74, page 22468), a Final Revision to Notice to Lessees and Operators (NTL) provided supplementary information to point out through a discussion on custody transfer that the NTL in effect should be read and interpreted the same as the regulation. The summary statement read as follows:

> This revision is being made to eliminate language that now permits gas and liquids that are to be used for reinjection to be used for such purposes outside a lease or unit area.

The above changes were brought about by questions involving different royalty rates within a field, following the revision of the regulation 30 CFR 250.66 and the issuance of a companion NTL, published in the **Federal Register** December 11, 1980 (Vol. 45, No. 240, pages 81562–63 and 81669–71).

Since the April 1981 changes and discussion, additional questions have arisen regarding interpretation. These late questions have centered about the matter of using produced gas and/or associated liquids for improved recovery purposes by producing and injecting on contiguous leases without unitizing. In such cases, the usual question has been "could the royalty payment on the produced gas or associated liquids be delayed until ultimately produced for sale?"

The answer is "yes" with certain qualifications, as follows:

(1) The injection project must be approved by the appropriate Deputy Conservation Manager with due consideration to adequate and proper measurement facilities.

(2) Production and injection of gas and/or associated liquids must be within the same field as defined by the Deputy Conservation Manager.

(3) The project, when crossing lease or unit lines, must have a common operator with full control and responsibility for operations.

(4) The project reservoirs, when involving multiple OCS leases with different royalty rates, must be unitized.

(5) The project reservoirs, when involving state leases, must be unitized.

The above remarks are set forth to further interpret the regulation 30 CFR 250.66, in part, and its companion NTL, as issued and in effect currently. The intent of the regulation and NTL is to cause royalty to be due when produced, for gas and/or associated liquids that are to be used for injection purposes outside a lease or unit area, when the above qualifications are not met.

Dated: May 29, 1981.

Robert L. Rioux,

Deputy Division Chief, Offshore Minerals Regulation Conservation Division.

[FR Doc. 81-16296 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 25

[CGD 80-033]

Claims Regulations

Correction

In FR Doc. 81-14567, appearing in the issue of Monday, May 18, 1981 at page 27107, make the following changes:

1. On page 27109 in the table of contents to Part 25, in Subpart B the 2d entry now reading "25.203 Claims not payable." should be changed to read "25.205 Claims not payable."

2. The entries in Subpart C of the table of contents should be changed to read "25.301" and "25.303".

3. In § 25.105 under the paragraph beginning "*Claim*", the third line now reading "the payment of a certain sum of money." should be changed to read "the payment of a sum certain of money.".

BILLING CODE 1505-01-M

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33 CFR Part 165

[CGD 8-81-801]

Safety Zone; Mississippi River Gulf Outlet

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule.

SUMMARY: The Coast Guard is amending its Safety Zone Regulations, 33 CFR 165, by establishing a safety zone in the Mississippi River Gulf Outlet (MRGO), The Michoud Slip, and the Inner Harbor Navigation Canal (IHNC). As the number and size of the vessels utilizing the MRGO increases, so does the need to coordinate their movements to minimize the possibility of environmental or economic harm befalling the Port of New Orleans as a result of a collision. This Safety Zone is being established to prevent larger vessels from having dangerous meeting situations between the seaward entrance and LT 62 of the MRGO. These regulations are published as interim final rules instead of proposed rules due to the hazardous condition currently existing in the MRGO.

DATE: Effective date: June 4, 1981.

COMMENT DATE: Comments must be received by July 20, 1981.

ADDRESS: Comments shall be submitted to the Captain of the Port, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, Louisiana 70117. The comments will be available for inspection or copying at the Captain of the Port Office, Room A-104. Normal working hours are between 7:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR G. J. E. Thornton, Port Safety Officer or LTJG M. R. Beskeen, Waterways Safety Officer, c/o U.S. Coast Guard, Captain of the Port, 4640 Urquhart Street, New Orleans, Louisiana 70117, Telephone (504) 589-7108.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names, addresses, identify the notice (CGD 8-81-801) and the specific section of the interim rule to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed post card or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken. No public hearing is planned, but one may be held if a written request for a hearing is received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

DRAFTING INFORMATION: The principal persons involved in the drafting of this rulemaking are LCDR G. J. E. Thornton, Port Safety Officer and LTJG M. R. Beskeen, Waterways Safety Officer, U.S. Coast Guard, Captain of the Port, 4640 Urquhart Street, New Orleans, Louisiana 70117, Tel. (504) 589-7108. The project attorney is LCDR R. A. Brunell, c/o Commander, Eighth Coast Guard District (d1), Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130, Tel. (504) 589-6188.

DISCUSSION OF RULE: The MRGO was authorized by PL 455 and approved March 1956, as a feature of the project "Mississippi River, Baton Rouge to Gulf of Mexico". It consists of a ship channel 36 feet deep and 500 feet wide, extending approximately 76 miles in a land cut and open water from the junction of the IHNC and the Gulf Intracoastal Waterway (GIWW) in New Orleans to the 38-foot contour in the Gulf of Mexico. Jetties for the reduction of shoaling, a turning basin, and a lock and connecting channel with the Mississippi River are salient features of the project.

From the junction of the GIWW and the IHNC, the channel follows the GIWW to the vicinity of LA Highway 47 (Paris Road) bridge, from whence it proceeds in a generally southeasterly direction along the south shore of Lake Borgne through the marshes, across Chandeleur Sound between Breton and Grand Gosier Island, to the 38-foot contour in the Gulf of Mexico. In the open waters of the Gulf, the channel dimensions increase to 38 feet by 600 feet.

The physical makeup of the Port of New Orleans along the Mississippi River consists primarily of general cargo wharves and transit sheds with minimum room for expansion. The shift to intermodal cargo handling has generated heavy demands for land intensive container facilities. Expansion can best be accommodated on the land area serviced by the MRGO.

Traffic on the MRGO has grown rapidly. In 1979 there were 1,572 ship passages, which amounts to a 108% increase over 1970 figures. The growth in both absolute ship traffic and tonnage can be attributed to the combined capabilities of the New Orleans Bulk Terminal, the France Road Container Terminal, new roll-on, roll-off facilities and private terminals. The Public Bulk Terminal is scheduled to begin handling significant amounts of coal, thus attracting ever larger bulk carriers. The increase in the number of transits does not necessarily impact adversely on navigation in the MRGO. However due to the increasing size of some of these vessels with drafts approaching the controlling depth of the MRGO, encounters between these larger vessels in the lower MRGO below the jetties

have become hazardous. The area of the open water channel below the jetties is affected by the frequent and variable cross-currents. These currents are created by the current circulation patterns of Breton Sound, and make it dangerous for larger vessels to meet or overtake other vessels in this portion of the waterway.

This section of the MRGO is linked to the wetlands by numerous bayous, canals, inlets and tidal influence and comprises some of the best private and commercial fishing areas in the Gulf of Mexico. A collision and resulting chemical spill here could have widespread and irreversible effects on the delicate balance of this ecosystem, which in turn would adversely affect the commercial fishing industry. Additionally, any collision which results in blocking the MRGO would have immediate adverse economic impact on the Port of New Orleans. With the exception of smaller vessels able to use the IHNC Lock, blockage of the MRGO cuts off all shipping to the terminals in the IHNC. As the trade in the MRGO accounts for 30% of the total for the Port, any closure would have severe economic implications. The purpose of this Safety Zone is to establish single lane traffic between vessels, including tows, over 600 feet in length, or over 80 feet in beam, or with draft of over 30 feet in the open part of the MRGO between Lighted Buoy 1 (LLNR 2014) and Light 62 (LLNR 2068). It is necessary to include the entire MRGO and IHNC and the Michoud Slip in this Safety Zone because once a vessel departs its berth (outbound) or enters the channel (inbound) there is no authorized anchorage or safe mooring between the Gulf of Mexico and the IHNC. Transit of the Safety Zone by these specified large vessels will be coordinated by the New Orleans Vessel Traffic Service (VTS).

Vessels, including tows, exceeding any of the above size constraints and intending to transit the lower MRGO between Light 62 and Lighted Buoy 1 must first obtain permission to transit this Safety Zone. Contact with VTS to obtain authorization for movement shall be made two hours prior to the time the vessel is otherwise ready to transit. This requirement also applies to vessels arriving from sea.

Both inbound and outbound vessels shall reconfirm their authorization to enter or move within the Safety Zone with the VTS immediately prior to beginning their movement in the Safety Zone to ensure that no meeting or overtaking situation between specified large vessels will occur in the MRGO below Light 62. The specified large vessels shall also be required to notify VTS immediately upon passing several progress points within the Safety Zone to provide the necessary information upon which to base subsequent entry or movement decisions in order to minimize delays while ensuring the integrity of the intent of the Safety Zone.

The two hour advance request for authorization of entry into or movement within the Safety Zone shall be made to VTS via Channel 12 VHF–FM (156.600 MHz) or by telephone (504) 589–2772 or 589–2773. The required reconfirmation of movement or entry authorization, immediately prior to actual movement or entry, shall be made to VTS via Channel 12 VHF–FM. During transit the inbound specified large vessels shall notify VTS immediately upon passing MRGO Lighted Buoy 1, MRGO Light 33 (LLNR 2046.50) and MRGO Light 62 via Channel 12 VHF–FM. During the transit outbound, vessels shall notify VTS immediately upon getting underway and upon passing the junction of the MRGO & the GIWW (Mile 60.0 MRGO), MRGO Light 62, MRGO Light 33, and MRGO Lighted Buoy 1 via Channel 12 VHF–FM. Vessels which do not meet any of the size constraints or which do not intend to transit the MRGO between Lighted Buoy 1 and Light 62 are not required to obtain permission to enter or move within this Safety Zone at this time. However, the Captain of the Port may require other vessels to comply with these provisions if deemed necessary to maintain the intent of this Safety Zone. These regulations are published as interim final rules instead of proposed rules due to the hazardous condition currently existing in the MRGO. The delays associated with the rulemaking process are unacceptable with this Safety Zone. These regulations are effective upon publication and are subject to revision upon termination of the comment period.

INTERIM RULE: In consideration of the foregoing, the Coast Guard amends Part 165 of Title 33 Code of Federal Regulations by adding a new § 165.801 Mississippi River Gulf Outlet to read as follows:

§ 165.801 Mississippi River Gulf Outlet.

(a) The area enclosed by the following boundary is a Safety Zone—The Mississippi River Gulf outlet from Lighted Buoy 1 (LLNR 2014) northwesterly to its junction with the Gulf Intracoastal Waterway and then westerly to, and including, the Inner Harbor Navigation Canal and easterly to and including the Michoud Slip.

(b) Vessels over 600 feet in length, or over 80 feet in beam, or with a draft in excess of 30 feet, and intending to transit that portion of the Safety Zone from its seaward entrance at Lighted Buoy 1 to the jetty at Light 62 (LLNR 2068) must receive permission to enter or move within the Safety Zone. Vessels meeting this criteria will not meet or overtake each other in this seaward portion of the safety zone.

(c) All vessels meeting the criteria of paragraph (b) of this section shall notify New Orleans Vessel Traffic Service (VTS) two hours prior to intended entry into or movement within the Safety Zone to obtain permission to enter. VTS can be contacted via Channel 12 VHF-FM (156.600 MHz) or by telephone (504) 589–2772 or 589–2773. Inbound vessels meeting the criteria of paragraph (b) shall notify New Orleans VTS immediately prior to entry into the Safety Zone, and upon passing MRGO Lighted Buoy 1, MRGO Light 33 (LLNR 2046.50), and MRGO Light 62 on Channel 12 VHF–FM. Outbound vessels meeting the criteria of paragraph (b) shall notify New Orleans VTS immediately prior to movement, immediately upon getting underway, and as the vessel passes the junction of the Mississippi River-Gulf Outlet and the Gulf Intercoastal Waterway (Mile 60.0 MRGO), MRGO Light 62, MRGO Light 33 and MRGO Lighted Buoy 1 on Channel 12 VHF–FM.

(d) Movement within this Safety Zone is normally unrestricted for vessels that do not meet the criteria of paragraph (b) of this section. The Captain of the Port may require other vessels within this defined zone to comply with the general regulations governing safety zones as contained in 33 CFR 165.20 whenever necessary for the protection of vessels, structures and water and shore areas.

(86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46(n)(4))

Dated: April 8, 1981.

R. J. Clements,

Captain, U.S. Coast Guard, Captain of the Port, New Orleans, La.

[FR Doc. 81-16692 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 204

Danger Zone Regulations; Vieques Island, Puerto Rico

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Army is amending the regulations which establish a danger zone in the Caribbean Sea and Vieques Sound in the vicinity of Eastern Vieques with respect only to the identity of the enforcing agency. This amendment reflects a change in agency organization.

EFFECTIVE DATE: July 6, 1981.

ADDRESS: HQDA, DAEN–CWO–N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, (202) 272–0200 or write Office of the Chief of Engineers, ATTN: DAEN–CWO–N, Washington, D.C. 20314.

SUPPLEMENTARY INFORMATION: Regulations were promulgated by the Department of the Army under 33 CFR Part 204.234 on June 24, 1974, establishing a danger zone in the waters around the eastern end of Vieques Island, Puerto Rico. Paragraph (b)(2) of the regulations which authorize the Commander, Caribbean Sea Frontier to enforce these regulations is changed to designate the Commander, U.S. Naval Forces Caribbean as the enforcing agency. The Department of the Army has determined that Notice of Proposed Rulemaking and public procedures thereto are unnecessary and impracticable since the amendment reflects only an agency's organizational change and will have no significant impact on the public. Accordingly, 33 CFR 204.234(b)(2) is amended as set forth below:

Note.—This regulation is issued with respect to a military function of the Defense Department and provisions of E.O. 12291 do not apply.

The Department of the Army has also determined that this proposed rule will not have a significant economic impact on a substantial number of entities and thus does not require the preparation of a regulatory flexibility analysis.

§ 204.234 Caribbean Sea and Vieques Sound in vicinity of Eastern Vieques, bombing and gunnery target area.

* * * * *

(b) Regulations.

* * * * *

(2) The regulations will be enforced by the Commander, U.S. Naval Forces Caribbean, U.S. Naval Station, Roosevelt Roads, Puerto Rico, and such agencies and subordinate commands as he/she may designate.

Dated: May 11, 1981.

Robert K. Dawson,

Deputy Assistant Secretary of the Army (Civil Works).

[FR Doc. 81-16602 Filed 6-3-81; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW-9-FRL 1836-6]

Hazardous Waste Management Programs: Phase I Interim Authorization for California

AGENCY: Environmental Protection Agency, Region IX.

ACTION: Final rule; approval of State program.

SUMMARY: The State of California has applied for interim authorization of its hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act and EPA guidelines for the approval of State hazardous waste programs (40 CFR Part 123). EPA has determined that the State's program meets all applicable statutory and regulatory requirements and is granting Phase I interim authorization to California to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program in its jurisdiction.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Paul D. Blais, Hazardous Materials Branch, U.S. EPA, Region IX, 215 Fremont Street, San Francisco, California 94105; (415) 556–5455.

SUPPLEMENTARY INFORMATION:

I. Background

In 1972, the California Legislature passed the Hazardous Waste Control Act which authorized the State Department of Health Services (DOHS) to develop and implement a hazardous waste management program. The State adopted its first hazardous waste regulations in 1974. The State's legislation was subsequently strengthened and expanded through legislative initiatives in 1978 and 1980.

Program elements, including a computerized manifest system, a permitting program, and a compliance monitoring and enforcement program, have been operating for several years. The State has demonstrated a continuing commitment to improve its hazardous waste program, and has devoted adequate resources to implement its program. This development of the State's hazardous waste program has led to my determination that California's program meets all EPA requirements for Phase I interim authorization.

The State of California submitted a draft application for Phase I interim authorization on July 30, 1980. In our comments to the State we identified three major problem areas, namely: (1) possible deficiencies in the State's coverage of the universe of hazardous waste covered under RCRA; (2) deficiencies in the State's ability to implement and enforce technical facility standards substantially equivalent to 40 CFR 265; and (3) deficiencies in the State's manifest system.

In addition to the three major problem areas, we indicated to the State that there were several areas which could not be reviewed by EPA because the material was incomplete or omitted. The areas where review was delayed for lack of information were the Attorney General's Statement and the Program Description.

The State submitted its final application on October 31, 1980. The application demonstrated that the first major problem area regarding the universe of hazardous waste, had been remedied. This was accomplished by the passage of legislation (AB 2691) which redefined "handling," "processing," and "waste."

The second problem area, concerning interim status standards for facilities, was also resolved by the State. By means of recently passed legislation (AG 3132), the State has issued interim status permits to all treatment, storage and disposal facilities which had submitted complete Part A permit applications to Region IX. We have determined that each interim status permit contains conditions which are substantially equivalent to the RCRA interim status standards.

The third problem area, concerning deficiencies in the State's manifest system, has also been resolved. On October 5, 1980, the State adopted a new California Hazardous Waste Manifest which meets all the EPA and DOT requirements. The State also elaborated in its Program Description that it would use computer cross-matching procedures to verify that interstate shipments went only to approved facilities in other States; to verify that all international shipments arrived at their destination; and to follow up on shipments which appeared not to have been properly delivered.

One additional issue emerged during EPA's review of the Attorney General's Statement contained in the State's final application. This was the question of the State's ability to share program information with EPA upon request without restrictions as required by 40 CFR 123.132. On December 4, 1980, the Attorney General's office submitted a letter to clarify several items contained in his Statement dated October 31,1980.

In this clarification it was stated that the regulations in 40 CFR Part 2 provide restrictions on dissemination of State program information consistent with California's Health and Safety Code Section 25173, and therefore, the State had the authority to share confidential information with EPA without restriction.

II. Response to Public Comments

On November 7, 1980, (45 FR 73977) a notice was published in the **Federal Register** inviting the public to offer comments on the California application for Phase I interim authorization at a public hearing to be conducted by Region IX on December 9, 1980. This notice also invited the public to submit written comments on the California application by December 9, 1980.

The public hearing was held on December 9, 1980. Seven presentations were made at this hearing. As a result of several complaints from the public at the public hearing about the unavailability of a complete application at the Department of Health Services offices in Berkeley and Los Angeles, Region IX extended the public comment period ten days until December 19, 1980. During the public comment period, Region IX received twenty written comments on the California application. All comments received by Region IX were reviewed and considered in reaching a decision on the California application for interim authorization.

Of the 27 public comments received by Region IX, six completely endorsed the approval of the State program, six opposed authorization of the State program because it regulated tannery waste not covered by the Federal program, ten endorsed authorization but with reservations because aspects of the State's program are more stringent than the Federal program, three complained about the unavailability of the State's application during the comment period, one complained about government regulation in general and one comment addressed the status of the State's permit program. The subject matter of the comments ranged from very general to specific. This summary is presented generally in the order of subjects which received the most comments first and those receiving the fewest comments last.

Comment: Ten commenters expressed reservations in endorsing authorization of the California program because various aspects of the State program are more stringent than the Federal requirements. Most of these comments stated that the use of two toxicity extraction procedure tests and the use of both the EPA and California hazardous waste lists were confusing, burdensome, and expensive.

Some commenters also were concerned that the draft California Assessment Manual (CAM) would be considered by EPA as part of the State's interim authorization application. Since the CAM had not yet gone through State rulemaking procedures but was referred to in the application, they felt this was inappropriate.

Response: EPA is required to grant Phase I interim authorization to any State hazardous waste management programs which meet the minimum requirements of EPA regulations. Regulations specifically outline interim authorization requirements for Phase I interim authorization in 40 CFR 123, Subpart F. During interim authorization nothing in 40 CFR 123 precludes a State from adopting or enforcing requirements which are more stringent or more extensive than those required under this Part (see 40 CFR 123.1(k)1).

EPA has determined that the State's definitions and lists of hazardous and extremely hazardous wastes meet the minimum requirement that they cover a universe of waste nearly identical to that which is controlled by the Federal program under 40 CFR Part 261. The draft CAM was not critical to EPA's decision on substantial equivalence. EPA views the CAM as a tool used by the State to further define hazardous wastes pursuant to State regulations. The CAM will be desirable to provide the State a mechanism for adding other wastes to its listings to maintain an equivalent universe of waste. EPA will review the final version of the CAM when the State seeks final authorization. At that time, EPA will be required to determine that the State's listing and CAM are fully equivalent to the Federal program's listing and characteristics.

Comment: Six commenters criticized the State program for not delisting chromium-containing waste from the leather tanning industry as EPA had recently done.

Response: See discussion of the previous issue for authority of the State under RCRA to establish more stringent program requirements.

Comment: Six commenters stated that California's Hazardous Waste program was substantially equivalent to the Federal program under RCRA and the regulations published in 40 CFR 123, Subpart F, and recommended that EPA should grant the State Phase I interim authorization.

Response: EPA agrees with this determination.

Comment: Three commenters complained about the unavailability of a complete application at the State's offices in Berkeley and Los Angeles on the date indicated in the Public Notice, and requested an extension of the public comment period.

Response: EPA extended the public comment period ten days to accommodate the request for additional time to review the State's application. Two brief letters of support were received during the extended period.

Comment: One commenter raised several questions about the status of the State's permit program. The commenter questioned whether the State could impose interim status standards substantially equivalent to 40 CFR 265, whether the State had met the requirements of 40 CFR 123.124(g)(3), and whether the State's permitting procedures would qualify for Phase II interim authorization.

Response: California issued interim status permits to all treatment, storage, and disposal facilities for which Region IX received a complete Part A permit application. The State also met the requirements of 123.124(g)(3) by appending to its final application the fourth quarter FY 80 grant report on the status of its permit program. A copy of this quarterly report was sent directly to the commenter. Finally, EPA agrees with the commenter that questions remain regarding the adequacy of the State's permit program to qualify for Phase II interim authorization. However, EPA has determined that the State program does meet all the requirements for Phase I interim authorization. Consequently, the issues raised by the commenter do not apply to the State's ability to qualify for Phase I authorization which is presently at issue. The commenter's points are well taken and will be considered when California applies for Phase II interim authorization, or for final authorization at some future time.

III. Decision

EPA has reviewed the State of California's complete application for Phase I interim authorization and has determined that the State program is "substantially equivalent" to the Phase I Federal program as defined in 40 CFR 123. In accordance with Section 3006(c) of RCRA, the State of California is hereby granted interim authorization to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program. The practical effect of this decision is that generators, transporters, and owners and operators of hazardous waste management facilities in California will be subject to the State of California hazardous waste program in lieu of the Federal hazardous waste program (40 CFR Parts 260–263

and 265) and will not again be subject to Phase I of the Federal Program unless 1) the State fails to obtain final authorization by the deadline specified in 3006(c) of RCRA and implementing regulations or 2) authorization is withdrawn for cause by EPA.

IV. Compliance with Executive Order 12291

Under Executive Order 12291, EPA must prepare a Regulatory Impact Analysis on "major regulations." A "major regulation" is defined as "any regulation that is likely to result in:

[1] An annual effect on the economy of $100 million or more;

[2] A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

[3] Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets."

EPA's decision to approve California's Phase I Hazardous Waste Program is not a major regulation because its effect is to suspend the applicability of certain Federal regulations in the State of California. In the absence of this decision, persons handling hazardous waste in California would have to comply with Parts 261–263 and 265 of Title 40 of the Code of Federal Regulations in addition to all California hazardous waste management regulations. For this reason it is virtually inconceivable that this regulation would result in the significant impacts that characterize a "major regulation".

This regulation was submitted to the Office of Managment and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in room 2711, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, and are available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

V. Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended 42 USC §§ 6912(a), 6926, 6974(b).

Dated: March 23, 1981.

Louise P. Giersch,

Acting Regional Administrator.

[FR Doc. 81-16728 Filed 6-3-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5951

Alaska; Modification of Withdrawals and Classification of Lands for Selection by the State of Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: The purpose of this public land order is to modify and amend several public land orders and to classify lands as suitable for selection by the State of Alaska under either the Alaska Statehood Act or § 906(b) of the Alaska National Interest Lands Conservation Act.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT:

Beaumont C. McClure, Washington, D.C., 202–343–6511 or

Robert W. Arndorfer, Alaska State Office, 907–271–5055

Pursuant to the authority vested in the Secretary by § 204(a) of the Act of October 21, 1976, 43 U.S.C. 1714(a), and by § 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), it is ordered as follows:

1. The following listed public land orders, which withdrew lands from State selection pursuant to the authority vested in the President and delegated to the Secretary in Executive Order No. 10355, are hereby modified and amended to the extent necessary to permit selection by the State of Alaska under either the Alaska Statehood Act, 72 Stat. 339, or § 906(b) of the Alaska National Interest Lands Conservation Act, 94 Stat. 2437, to the extent that such orders include the following described lands and to the extent that such lands are outside the National Petroleum Reserve in Alaska, the Noatak National Preserve, the Gates of the Arctic National Park, and those lands described in Public Land Order No. 5860, dated May 4, 1981, 46 FR 25619–25620.

Affected Public Land Orders

Public Land Order No. 5169, dated March 9, 1972, 37 FR 5572–5573; as amended by Public Land Order No. 5396, dated September 14, 1973 38 FR 26376–26377.

Public Land Order No. 5179, dated March 9, 1972, 37 FR 5579–5583; as amended by Public Land Order No. 5250, dated September 12, 1972, 37 FR 18730–18733.

Public Land Order No. 5180, dated March 9, 1972, 37 FR 5583–5584; as amended by Public Land Order No. 5418, dated March 25, 1974, 39 FR 11547–11548.

Affected Lands

Umiat Meridian

T. 7 S., R. 16W.,
  Secs. 17 to 20, inclusive;
  Secs. 25 to 36, inclusive.
T. 8 S., R. 16 W.,
T. 9 S., R. 16 W.,
T. 10 S., R. 16 W.,
T. 7 S., R. 17 W.,
  Secs. 5 to 11, inclusive;
  Secs. 13 to 36, inclusive.
T. 8 S., R. 17 W.,
T. 9 S., R. 17 W.,
T. 10 S., R. 17 W.,
T. 11 S., R. 17 W.,
  Secs. 1 to 18, inclusive.
T. 12 S., R. 17 W.,
  Secs. 19 to 30, inclusive.
T. 7 S., R. 18 W.,
  Secs. 1 to 3, inclusive;
  Secs. 10 to 15, inclusive;
  Secs. 22 to 27, inclusive;
  Secs. 34 to 36, inclusive.
T. 8 S., R. 18 W.,
  Secs. 1 to 3, inclusive;
  Secs. 10 to 15, inclusive;
  Secs. 22 to 27, inclusive;
  Secs. 34 to 36, inclusive.
T. 9 S., R. 18 W.,
  Secs. 1 to 4, inclusive;
  Secs. 9 to 16, inclusive;
  Secs. 21 to 28, inclusive;
  Secs. 33 to 36, inclusive.
T. 10 S., R. 18 W.,
  Secs. 1 to 4, inclusive;
  Secs. 9 to 16, inclusive;
  Secs. 21 to 28, inclusive;
  Secs. 33 to 36, inclusive.
T. 11 S., R. 18 W.,
  Secs. 1 to 4, inclusive;
  Secs. 9 to 16, inclusive.
T. 12 S., R. 18 W.,
  Secs. 21 to 28, inclusive.

Kateel River Meridian

T. 32 N., R. 12 E.,
  Secs. 1 to 4, inclusive;
  Secs. 9 to 16, inclusive;
  Secs. 21 to 28, inclusive.
T. 33 N., R. 12 E.,
  Secs. 1 to 5, inclusive;
  Secs. 8 to 17, inclusive;
  Secs. 20 to 29, inclusive;
  Secs. 32 to 36, inclusive.
T. 34 N., R. 12 E.,
  Secs. 8 to 17, inclusive;
  Secs. 20 to 29, inclusive;
  Secs. 32 to 36, inclusive.
T. 32 N., R. 13 E.,
  Secs. 1 to 30, inclusive;
  Secs. 33 to 36, inclusive.
T. 33 N., R. 13 E.,
T. 34 N., R. 13 E.,
T. 32 N., R. 14 E.,
  Secs. 2 to 11, inclusive;
  Secs. 14 to 23, inclusive;
  Secs. 26 to 35, inclusive.
T. 33 N., R. 14 E.,

Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 34 N., R. 14 E.,
Secs. 7 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.

Containing an aggregate of approximately 392,000 acres.

2. Pursuant to the authority vested in the Secretary by § 17(d)(1) of the Alaska Native Claims Settlement Act, the lands described in paragraph 1 of this order are hereby classified as suitable for State selection and are hereby opened to such selection.

3. As provided in § 6(g) of the Alaska Statehood Act, the State of Alaska is provided a preference right of selection for the lands described herein until 10:00 a.m. Alaska Daylight time on October 5, 1981. After this time and date, the lands will be open to selection by the State and other forms of appropriation only to the extent specifically provided by statute, regulation, court decree, contract, or public land order.

4. This order and classification are intended to apply only to those lands described in paragraph 1 and which are outside the National Petroleum Reserve in Alaska, the Noatak National Preserve, the Gates of the Arctic National Park, and those lands described by Public Land Order No. 5860, dated May 4, 1981, 46 FR 25619–25620.

5. Prior to the tentative approval for patent of any of the lands selected by said State of Alaska that are classified by this order, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, licenses, permits, rights-of-way, or easements, in accordance with § 906(k) of the Alaska National Interest Lands Conservation Act, shall not be impaired by this order and classification. Applications for leases under the mineral leasing laws will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

James G. Watt,

Secretary of the Interior.

May 29, 1981.

[FR Doc. 81-16631 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-31-M

43 CFR Public Land Order 5947

[OR 20521]

Oregon; Revocation of Executive Order No. 5451

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which withdrew 40 acres of public land as a lookout station. This action will restore the land to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: July 3, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5451 of September 25, 1930, which withdrew the following described public land for use by the Bureau of Land Management as a lookout station, is hereby revoked:

Willamette Meridian

T. 37 S., R. 12 E.,
Sec. 26, SW¼SW¼.

The area described contains 40 acres in Klamath County.

2. At 10 a.m. on July 3, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 3, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on July 3, 1981, the land will be open to nonmetalliferous mineral location under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 28, 1981.

[FR Doc. 81-16638 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5948

[OR 20238]

Oregon; Revocation of Public Water Reserve No. 101

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order affecting 599.50 acres of land withdrawn as a public water reserve. This action will restore 40 acres of the land to such forms of disposition as may by law be made of national forest lands. The balance, containing 559.50 acres, remains segregated from the public land laws generally, including the mining laws, for the Hart Mountain National Antelope Refuge.

EFFECTIVE DATE: July 3, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of February 6, 1926, which withdrew the following described lands for public water reserve purposes is hereby revoked in its entirety:

Willamette Meridian

Public Water Reserve No. 101

T. 37 S., R. 25 E.,
Sec. 12, NE¼NE¼.
T. 36 S., R. 26 E.,
Sec. 6, lot 7.
T. 37 S., R. 26 E.,
Sec. 28, SW¼;
Sec. 32, E½.

Fremont National Forest

T. 40 S., R. 16 E.,
Sec. 15, SW¼NW¼.

The area described aggregates 599.50 acres in Lake County.

2. At 10 a.m. on July 3, 1981, the land in T. 40 S., R. 16 E., will be open to such forms of disposition as may by law be made of national forest lands.

3. The above described lands, except as described in paragraph 2, are withdrawn as part of the Hart Mountain National Antelope Refuge and remain segregated from operation of the public land laws generally, including the United States mining laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 28, 1981.

[FR Doc. 81-16639 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5950

[W-31206]

Wyoming; Partial Revocation of Public Water Reserve

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a public water reserve and restores the lands to the operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: July 3, 1981.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307-778-2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Interpretation No. 217 of May 14, 1935, is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian, Wyoming

T. 35 N., R. 110 W.,
Sec. 5, E½NW¼ (lot 3, SE¼NW¼);
Sec. 8, W½SE¼.
T. 33 N., R. 112 W.,
Sec. 1, SW¼SE¼;
Sec. 12, NW¼NE¼.

The area described contains 239.04 acres in Sublette County.

2. At 10 a.m. on July 3, 1981, the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 3, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals at 10 a.m. on July 3, 1981. They have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
May 28, 1981.

[FR Doc. 81-16640 Filed 6-3-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5946

[I-14560]

Idaho; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will partially revoke a Secretarial order which withdrew lands in the Boise Valley Reclamation Project. The lands are embraced in allowed homestead entries.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, Idaho State Office, 208-334-1735.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order of December 22, 1903, which withdrew lands for the Boise Valley Reclamation Project, is hereby revoked insofar as it affects the following described lands:

Boise Meridian

T. 5 N., R. 5 W.,
Sec. 31, SE¼NW¼, NE¼NW¼.

The area described contains 80 acres in Canyon County.

2. The lands are embraced in allowed entries under the homestead laws.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
May 28, 1981.

[FR Doc. 81-16599 Filed 6-3-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5945

[OR 20933 (Wash.)]

Washington; Withdrawing Public Lands for use of the Department of the Army for Dam and Reservoir Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 400.27 acres of public land for uses in support of the additional hydroelectric generating units constructed at Chief Joseph Dam.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-321-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is hereby ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved for use of the Corps of Engineers, U.S. Department of the Army, in connection with the Chief Joseph Dam Additional Units Project.

Willamette Meridian

T. 29 N., R. 26 E.,
Sec. 9, SW¼SW¼;
Sec. 30, Lot 2.
T. 30 N., R. 26 E.,
Sec. 25, NW¼NE¼;
Sec. 35, SW¼SE¼.
T. 30 N., R. 27 E.,
Sec. 28, SE¼SE¼;
Sec. 29, NE¼NW¼;
Sec. 34, SW¼NW¼ and NE¼SW¼.
T. 30 N., R. 28 E.,
Sec. 9, SE¼SE¼;
Sec. 14, NE¼SW¼.

The areas described aggregate 400.27 acres in Douglas County, Washington.

2. The lands in Sec. 25, T. 30 N., R. 26 E.; Sec. 29, T. 30 N., R. 27 E.; and Sec. 9, T. 30 N., R. 28 E., are also withdrawn for Power Site Reserve 129 by Executive Order of July 2, 1910.

3. Management of grazing, wildlife habitat and mitigation areas, recreation, fire protection, public access, cultural resources, and realty actions on the withdrawn lands will be under terms and conditions that have been agreed upon between the Corps of Engineers and the Bureau of Land Management and which may be revised by consent of both parties.

4. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Dated: May 26, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-16598 Filed 6-3-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5949

[OR 22118 (WASH)]

Washington; Revocation of Executive Order

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive Order which withdrew 8.17 acres of land for public purposes. This action permits restoration of the land to operation of the mining laws provided appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT:
Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of May 9, 1898, which withdrew the following described lands for public purposes is hereby revoked:

Willlamette Meridian

T. 41 N., R. 3 W.,
Sec. 33, Lot 6.

The area described contains 8.17 acres in Whatcom County, Washington.

2. The surface estate of the land has been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–4); therefore, unless and until appropriate rules and regulations are issued, the land will not be open to location under the United States mining laws. The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P. O. Box 2965, Portland, Oregon 97208.

Dated: May 28, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81–16600 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6069]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT:
Mr. Gary Johnson, National Flood Insurance Program, (202) 755–5581 or EDS Toll Free Line 800–638–6620 for the Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elasped since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Alabama: Shelby	Alabaster, city of	0101928	Dec. 13, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 4, 1976	June 15, 1981.
Arkansas:					
Craighead	Jonesboro, city of	0500488	June 20, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Oct. 26, 1973 and Oct. 8, 1976.	Do.
Benton and Washington.	Springdale, city of	0502198	Sept. 26, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	April 5, 1974 and Mar. 5, 1976.	Do.
Connecticut: New London.	East Lyme, town of	0900968	Oct. 23, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Sept. 13, 1974 and Dec. 24, 1976.	Do.
Florida:					
Martin	Ocean Breeze Park, town of	1201638	Apr. 15, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Aug. 2, 1974 and Apr. 2, 1976.	Do.
Do	Unincorporated areas	1201618	May 19, 1972, emergency; June 15, 1981, regular; June 15, 1981, suspended.	July 29, 1977	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Georgia:					
De Kalb	Clarkston, city of	130067A	Aug. 7, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 21, 1975	June 15, 1981.
Do	Pine Lake, city of	130070B	Feb. 27, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Apr. 12, 1974 and Apr. 16, 1976.	Do.
Illinois:					
Du Page and Cook	Bartlett, village of	170059B	Aug. 6, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Apr. 12, 1974 and Aug. 6, 1976.	Do.
Cook	Des Plaines, city of	170081C	Oct. 13, 1972, emergency; June 15, 1981, regular; June 15, 1981, suspended.	May 4, 1973, June 28, 1974, and July 16, 1976.	Do.
St. Clair	Fayetteville, village of	170628B	May 12, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 22, 1974 and June 4, 1976.	Do.
Fulton	Liverpool, village of	170762C	Dec. 10, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Dec. 28, 1973, Aug. 1, 1975 and Dec. 28, 1979.	Do.
Lake	Waukegan, city of	170397B	Mar. 12, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	May 10, 1974 and July 9, 1976.	Do.
Iowa:					
Story	Cambridge, city of	190255B	July 29, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Aug. 16, 1974 and July 11, 1975.	Do.
Lee	Unincorporated areas	190182B	Sept. 11, 1978, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 21, 1977	Do.
Kentucky:					
Boone	Unincorporated area	210013B	Aug. 28, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Dec. 27, 1974 and Dec. 30, 1977.	Do.
Bourbon	Paris, city of	210015B	July 23, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 16, 1974 and Feb. 20, 1976.	Do.
Maryland:					
Somerset	Crisfield, city of	240062A	Apr. 28, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 23, 1976	Do.
Do	Unincorporated areas	240061A	May 8, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	April 25, 1975	Do.
Massachusetts:					
Worcester	East Brookfield, town of	250303B	Sept. 18, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 7, 1974 and June 11, 1976.	Do.
Berkshire	Monterey, town of	250030B	July 7, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Mar. 15, 1974 and Aug. 13, 1976.	Do.
Michigan: Washtenaw	Ypsilanti, township of	260542B	Apr. 8, 1977, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Apr. 8, 1977	Do.
Barry	Hastings, township of	260648B	Nov. 19, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Dec. 16, 1977	Do.
Minnesota: Morrison	Unincorporated areas	270617B	Mar. 20, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Apr. 21, 1978	Do.
Mille Lacs and Sherburne	Princeton, city of	270292B	Mar. 20, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	May 10, 1974 and Feb. 13, 1976.	Do.
Missouri:					
Adair	Novinger, city of	290003B	June 4, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 7, 1974 and Dec. 12, 1975.	Do.
St. Louis	Peerless Park, village of	290378A	Oct. 1, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 3, 1975	Do.
New Jersey:					
Burlington	Fieldsboro, borough of	340543B	May 1, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Nov. 29, 1974 and Oct. 3, 1975.	Do.
Bergan	Montvale, borough of	340052B	May 2, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Sept. 6, 1974 and June 18, 1976.	Do.
New York:					
Yates	Dresden, village of	360956A	Mar. 6, 1980, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 20, 1976	Do.
Chemung	Wellsburg, village of	360157B	Mar. 16, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 1, 1973 and June 25, 1976.	Do.
Ohio:					
Cuyahoga	Bratenahl, village of	390734A	June 9, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	July 11, 1975	Do.
Do	Brooklyn Heights, village of	390101B	May 16, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 8, 1974 and Apr. 23, 1976.	Do.
Montgomery	Miamisburg, city of	390413B	Aug. 1, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Mar. 1, 1974 and July 23, 1976.	Do.
Cuyahoga	Shaker Heights, city of	390129A	Oct. 28, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Aug. 1, 1975	Do.
Oklahoma:					
Tulsa and Osage	Sand Springs, city of	400211B	Aug. 5, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	July 26, 1974 and Apr. 22, 1977.	Do.
Pennsylvania:					
Allegheny	Bethel Park, borough of	420012A	Sept. 3, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Dec. 10, 1976	Do.
Washington	California, borough of	420848A	July 5, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Oct. 8, 1976	Do.
Beaver	Center, township of	422310A	Aug. 11, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 17, 1975	Do.
Washington	Centerville, borough of	422552A	Mar. 22, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 28, 1975	Do.
Berks	Brecknock, township of	421053B	Nov. 24, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Sept. 13, 1974 and May 14, 1976.	Do.
Clinton	Colebrook, township of	420324C	July 25, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Mar. 22, 1974, Dec. 24, 1976, and Jan. 20, 1980.	Do.
Luzerne	Dupont, borough of	422250A	July 29, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 14, 1975	Do.
Beaver	Economy, borough of	420109B	June 4, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Apr. 5, 1974 and June 4, 1976	Do.
Erie	Edinboro, borough of	420448B	Jan. 21, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 7, 1974 and June 4, 1976.	Do.
Blair	Frankstown, township of	421387A	Aug. 16, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Dec. 13, 1974	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Allegheny	Heidleburg, borough of	420043B	Feb. 21, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 1, 1974 and June 4, 1976.	June 15, 1981.
Lackawana	Lehigh, township of	422459B	Mar. 11, 1976, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 28, 1975 and Apr. 11, 1980.	Do.
Cumberland	Middlesex, township of	420363B	Apr. 15, 1977, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 8, 1974 and Apr. 15, 1977.	Do.
Allegheny	Penn Hills, township of	421092B	Sept. 20, 1974 emergency; June 15, 1981, regular; June 15, 1981, suspended.	Sept. 20, 1974 and Dec. 26, 1975.	Do.
Luzerne	Pittston, township of	421834B	Nov. 14, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 24, 1975 and Feb. 15, 1980.	Do.
Bucks	Richland, township of	421095B	May 15, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Oct. 25, 1974 and June 18, 1976.	Do.
Beaver	Rochester, township of	421322A	Mar. 11, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Dec. 27, 1974	Do.
Adams	Reading, township of	420004B	Jan. 26, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 23, 1974 and Dec. 31, 1976.	Do.
York	West Manchester, township of	422233B	Aug. 22, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Nov. 15, 1974 and Oct. 17, 1975.	Do.
South Carolina:					
Lexington	Unicorporated areas	450129B	Sept. 6, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Sept. 6, 1974 and June 30, 1978.	Do.
Dorchester	Summerville, town of	450073C	June 3, 1977, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 14, 1974; April 19, 1976 and June 3, 1977.	Do.
Tennessee:					
Shelby	Bartlett, city of	470175B	Dec. 28, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Feb. 24, 1974 and June 3, 1977.	Do.
Davidson and Sumner.	Goodlettsville, city of	470287A	Apr. 21, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Aug. 15, 1975	Do.
Texas: Atascosa	Unincorporated areas	480014B	Aug. 5, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 17, 1975 and Nov. 28, 1977.	Do.
Virginia: Giles	Unincorporated areas	510067B	Oct. 24, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Aug. 2, 1974 and Mar. 5, 1976.	Do.
Washington: King	Kirkland, city of	530081B	Apr. 19, 1974, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 28, 1974 and Sept. 12, 1975.	Do.
Wisconsin:					
Calumet	Brillion, city of	550036C	Apr. 22, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Mar. 8, 1974; Apr. 4, 1975 and Mar. 11, 1977.	Do.
Outagamie	Combined Locks, village of	550004B	Mar. 27, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 21, 1974 and Sept. 19, 1975.	Do.
Dodge	Unincorporated areas	550094B	July 18, 1973, emergency; June 15, 1981, regular; June 15, 1981, suspended.	Jan. 3, 1975 and Feb. 9, 1979	Do.
Outagamie	Little Chute, village of	550307B	May 29, 1975, emergency; June 15, 1981, regular; June 15, 1981, suspended.	June 14, 1974 and Aug. 29, 1975.	Do.

[1]Certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 26, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16501 Filed 6-3-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6068]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program (202) 755–5581 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or

construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553 (b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Alabama: Jefferson	Fultondale, city of	010121C	May 5, 1981, Suspension withdrawn	May 24, 1974, Jan. 9, 1976 and July 6, 1979.
Florida: Seminole	Unincorporated areas	120289B	do	Jan. 17, 1975 and Apr. 8, 1977.
Illinois: Cook	Sauk Village, village of	170157D	do	Mar. 8, 1974, June 4, 1976, Nov. 19, 1976 and July 7, 1978.
Indiana: Madison	Frankton, town of	180154C	do	Dec. 17, 1973, Sept. 12, 1975 and June 15, 1979.
Michigan:				
Macomb	Harrison, township of	260123C	do	Nov. 16, 1973 and July 2, 1976.
Ingham	Lansing, township of	260632A	do	Feb. 4, 1981.
Oakland	Rochester, city of	260326B	do	Apr. 11, 1975 and Nov. 19, 1976.
Minnesota:				
Wright	Hanover, city of	270540B	do	Nov. 23, 1973 and June 4, 1976.
Hennepin	Hopkins, city of	270166B	do	Nov. 9, 1973 and May 7, 1976.
Mille Lacs	Milaca, city of	270289B	do	May 10, 1974 and Apr. 30, 1976.
Fillmore	Peterson, city of	270128B	do	Aug. 30, 1974 and Feb. 20, 1976.
Missouri: Butler	Neelyville, city of	290046A	do	Dec. 6, 1974.
New Jersey: Bergen	Park Ridge, borough of	340063B	do	Jan. 23, 1974 and Sept. 17, 1976.
North Carolina: Halifax	Unincorporated areas	370327B	do	June 23, 1978.
North Dakota: Cass	Casselton, city of	380020B	do	May 24, 1974 and Feb. 27, 1976.
Oregon: Clakamas	Barlow, city of	410013A	do	Jan. 10, 1975.
Texas:				
Henderson	Athens, city of	480324B	do	Aug. 23, 1974 and Apr. 9, 1976.
Fannin	Bonham, city of	480222B	do	June 7, 1974 and June 4, 1976.
Dallas	Desoto, city of	480172B	do	Aug. 2, 1974 and Apr. 16, 1976.
Willacy	Lyford, city of	480655A	do	May 17, 1974.
Vermont: Windham	Jamaica, town of	500131B	do	June 28, 1974 and May 10, 1977.
Washington:				
Kittitas	Ellensburg, city of	530234C	do	Dec. 12, 1973, Apr. 16, 1976 and Mar. 13, 1979.
Kattitas	Unincorporated areas	530095B	do	Nov. 8, 1977.
King	Renton, city of	530088B	do	June 7, 1974 and Nov. 7, 1975.
Kittitas	South Cle Elum, city of	530263A	do	July 11, 1975.
Pennsylvania:				
Beaver	West Mayfield, borough of	422331A	Dec. 23, 1974, emergency, Apr. 15, 1981, regular, Apr. 15, 1981, suspended, May 4, 1981, reinstated.	Mar. 28, 1975.
Bradford	Ridgebury, township of	420173C	May 29, 1973, emergency, Apr. 1, 1981, regular, Apr. 1, 1981, suspended, May 4, 1981, reinstated.	Jan. 9, 1974 and Aug. 8, 1975.
Iowa: Washington	Riverside, city of	190648	May 6, 1981, emergency	Aug. 13, 1976.
Pennsylvania:				
Lancaster	Fulton, township of	421774B	July 11, 1975, emergency, Apr. 15, 1981, regular, Apr. 15, 1981, suspended, May 8, 1981, reinstated.	Sept. 6, 1974 and July 23, 1976.
Dauphin	Wiconisco, township of	421030B	Sept. 26, 1973, emergency, Apr. 15, 1981, regular, Apr. 15, 1981, suspended, May 8, 1981, reinstated.	Dec. 13, 1974 and Sept. 17, 1976.
Michigan: Clinton	Victor, township of	260720 New	May 11, 1981, emergency	
Pennsylvania: Lakawanna	Benton, township of	421749	do	Jan. 10, 1975.
Illinois: Lake	Lake Bluff, village of	170373B	May 11, 1981, emergency, May 11, 1981, regular.	Feb. 1, 1974, Feb. 6, 1976 and Jan. 16, 1981.
California: San Luis Obispo	Atascadero, city of	060700	May 14, 1981, emergency	Sept. 16, 1980.
New Jersey: Somerset	Montgomery, township of	340439B	Aug. 20, 1974, emergency, April 1, 1981, regular, Apr. 1, 1981, suspended, May 15, 1981, reinstated.	July 26, 1974 and June 4, 1976.
Texas: [1] Harris	La Porte, city of	485487C	Aug. 28, 1970, emergency, Feb. 12, 1971, regular.	Feb. 17, 1971, July 1, 1974 and Aug. 22, 1975.

[1] The City of La Porte, Harris County, Texas annexed the City of Lomax, Harris County, Texas. The FIRM for La Porte is being revised to include the annexed areas of Lomax which will be Zone C. The Lomax areas currently have an effective LOMA dated January 13, 1981.

DELETION: The Township of Wayne, Indiana has terminated its joiner agreement with the City of Noblesville, Hamilton County, Indiana. Please delete the Township of Wayne from eligibility under the City of Noblesville effective May 4, 1981. The Township of Wayne is now under the planning and zoning jurisdiction of the unincorporated areas of Hamilton County, Indiana. Hamilton County is not participating in the NFIP at this time.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: May 26, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16602 Filed 6-3-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. LVM 77-02; Notice 5]

Passenger Automobile Average Fuel Economy Standards; Exemption From Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final decision to grant exemption from average fuel economy standards and to establish alternative standards.

SUMMARY: This notice exempts Rolls-Royce Motors, Ltd. (Rolls-Royce) from the generally applicable average fuel economy standards of 19.0 miles per gallon (mpg) and 20.0 mpg for 1979 and 1980 model year passenger automobiles, respectively, and establishes alternative standards. The alternative standards are 10.8 mpg in the 1979 model year and 11.1 mpg in the 1980 model year.

DATES: The exemptions and alternative standards set forth in this notice apply in the 1979 and 1980 model years.

FOR FURTHER INFORMATION CONTACT: Robert Mercure, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-755-9384).

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration (NHTSA) is exempting Rolls-Royce from the generally applicable average fuel economy standards for the 1979 and 1980 model years and establishing alternative standards applicable to that company in those model years. This exemption is issued under the authority of section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (the Act) (15 U.S.C. 2002(c)). Section 502(c) provides that a manufacturer of passenger automobiles that manufactures fewer than 10,000 vehicles annually may be exempted from the generally applicable average fuel economy standard for a particular model year if that standard is greater than the manufacturer's maximum feasible average fuel economy and if the NHTSA establishes an alternative standard applicable to that manufacturer at the low volume manufacturer's maximum feasible average fuel economy. In determining the manufacturer's maximum feasible average fuel economy, section 502(e) of the Act (15 U.S.C. 2002(e)) requires the NHTSA to consider:

(1) Technological feasibility;

(2) Economic practicability;

(3) The effect of other Federal motor vehicle standards on fuel economy; and

(4) The need of the Nation to conserve energy.

This final rule was preceded by a notice announcing the NHTSA's proposed decision to grant an exemption to Rolls-Royce for the 1979 and 1980 model years (45 FR 67108; October 9, 1980). NHTSA received two comments on that proposed decision.

The first comment was submitted by Rolls-Royce, in response to an invitation in the proposed decision for the company to explain why it could not have improved the fuel economy of its 1980 cars certified to the 49-state emission standards. Specifically, Rolls-Royce used fuel injection and a 3-way catalyst on its 1980 California vehicles, which resulted in improved fuel economy for those vehicles compared with the 1979 California vehicles. NHTSA did not have sufficient information to determine whether it would have been feasible to have also made this change to the 1980 49-state models. Lacking sufficient information, the agency raised the issue in the proposed decision, and invited Rolls-Royce to provide specific information to show that the change would not have been feasible. If the company did not provide the information, NHTSA would then consider deciding that the change was feasible.

In response, Rolls-Royce stated that fuel injection and 3-way catalysts were new technologies to the company, and that it was necessary to have a limited run with the new technologies to give the company experience with manufacturing them before including the technologies on all their vehicles. Additionally, Rolls-Royce stated that the 1980 California vehicles were certified at a low enough emissions level that the certification can be carried over for the 1981 and 1982 California and 49-state emissions standards. By not having to retest for compliance with those standards, the company will save an estimated $50,000 in each of the two model years.

The company also argued that it has decided to produce only one model type for emissions purposes—one that complies with both the 49-state and California emissions standards—beginning in the 1981 model year. By so doing, Rolls-Royce will join all the other low volume manufacturers except Checker Motors in producing a vehicle that complies with both sets of emissions standards. This is important for marketing flexibility, so that the low volume manufacturer can sell its cars in California or the other 49 states depending on the actual demand. When the company produces two models (49-state and California), it must forecast how many of each to make. It cannot sell 49-state vehicles in California, or vice-versa, when actual demand differs from forecasted demand. Such a decision by Rolls-Royce is not unreasonable.

Rolls-Royce argued that use of fuel injection and a 3-way catalyst on its 1980 49-state vehicles would have required additional and different development work for the company to optimize the fuel consumption and emissions to the less-stringent 49-state standards. This development would have been useful only for that one model year, since the company was not planning to certify vehicles to these less stringent standards in the foreseeable future, as explained above. Given the company's limited engineering staff, it decided to devote all of its efforts to achieving emissions levels in its 1980 California vehicles that would satisfy the 1981 and 1982 California and 49-state requirements, instead of splitting its effort between that and achieving optimal settings for its 49-state vehicles, which would be used only for the 1980 model year. Rolls-Royce also argued that it was erroneous for the agency to imply that the use of fuel injection with a 3-way catalyst was responsible for the fuel economy improvement on its 1980 California vehicles. NHTSA recognizes that the fuel rich mixtures required for efficient operation of the 3-way catalyst would be above the level required for minimum fuel consumption, and that any potential fuel economy improvements would depend on the specific vehicle involved and the stringency of the applicable emissions standards. However, without resolving this latter argument, NHTSA concludes that it would not have been economically practicable for Rolls-Royce to have incorporated fuel injection and the 3-way catalyst on its 1980 49-state vehicles. This decision is based on the newness of the technology to the company, marketing considerations, the staff and resources available to the company, and the fact that the company is certifying only one model type in 1981 and subsequent model years.

The other comment was submitted two weeks after the comment period had closed. This comment criticized the timing of the agency's proposal, and the procedure used to reach a final decision on the feasibility of Rolls-Royce using

fuel injection and 3-way catalysts on its 1980 49-state vehicles. The comment argued that the agency should have set the proposed alternative standard at the level Rolls-Royce would have achieved had it used fuel injection and the 3-way catalyst, and then lowered the standard only if Rolls-Royce was able to show that it could not have used the technology. This suggestion appears to be a distinction without a difference, because following either it or the procedure chosen by the agency required the manufacturer to demonstrate that it could not have used the item of technology, or the maximum feasible average fuel economy for the manufacturer would be calculated as if the manufacturer had used the item. The agency notes that by raising the point in the proposed decision, there was sufficient notice and opportunity to comment (as required by the Administrative Procedure Act) to permit the final decision to include the use of fuel injection when calculating the manufacturer's maximum feasible average fuel economy.

This comment also raised two substantive objections to the proposed decision. First, the comment stated, "NHTSA has concluded that Rolls-Royce was justified in foregoing any engine improvements because Rolls-Royce said doing so might well have increased NO_x emissions (45 FR at 67111)." This objection is a misstatement of the proposal, in which NHTSA said that a reduction in engine size without an accompanying weight reduction for the vehicle might well have increased NO_x emissions. This is because emissions of oxides of nitrogen increase with increased engine loading due to the higher operating temperatures. Increased engine loading can occur with either the substitution of a smaller engine or the use of a lower axle ratio on the same engine. Rolls-Royce reported no net fuel economy gain from reducing engine size, after retuning the engine to control the higher NO_x emissions. Further, the agency considered other engine improvements, such as alternative engines, but determined they were not technologically feasible, with no mention of NO_x emissions.

The second objection was that the rear axle ratio used by Rolls-Royce could have been reduced. However, the agency set forth the reasons that this reduction would not be technologically feasible and economically practicable at 45 FR 67112, and the commenter did not explain why it considered the proposed finding to be erroneous or less than maximum feasible. Accordingly, the agency reaffirms its finding.

After analyzing the public comments received on the proposed decision, NHTSA believes that the fuel economy levels proposed therein represent Rolls-Royce maximum feasible average fuel economy for the 1979 and 1980 model years. Therefore, based on its conclusions that it was not technologically feasible and economically practicable for Rolls-Royce to improve the fuel economy of its 1979 and 1980 model year automobiles above an average of 10.8 mpg and 11.1 mpg, respectively, that other Federal automobile standards did not affect achievable fuel economy beyond the extent considered in this analysis, and that the national effort to conserve energy will be negligibly affected by the granting of the requested exemptions and establishment of alternative standards, NHTSA concludes that the maximum feasible average fuel economy for Rolls-Royce in the 1979 and 1980 model years was 10.8 and 11.1 mpg, respectively. Therefore, the agency is exempting Rolls-Royce from the generally applicable standards and is establishing alternative standards of 10.8 mpg for the 1979 model year and 11.1 mpg for the 1980 model year.

In consideration of the foregoing, 49 CFR Part 531 is amended by revising § 531.5(b)(2) to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

* * * * *

(2) Rolls-Royce Motors, Inc.

Average fuel economy standard

Model year:	Miles per gallon
1978	10.7
1979	10.8
1980	11.1

* * * * *

Authority: Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 49 CFR 1.50.

Issued on May 28, 1981.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 81-16655 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1056

[Ex Parte No. MC-19 (Sub-No. 36)]

Practices of Motor Common Carriers of Household Goods; Revision of Operational Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final operational rules: Deferral of effective date in 49 CFR 1056.2.

SUMMARY: By Decision served and published on March 11, 1981, 46 FR 16200, the Commission adopted revised operational regulations to be applicable to motor common carriers of household goods effective June 9, 1981.

Included in the regulations adopted is a requirement that carriers provide to each prospective individual shipper an informational publication, *Your Rights and Responsibilities When You Move*, form OCP-100. This requirement is contained in 49 CFR 1056.2(a)(1).

There is to be included in the OCP-100 publication a post card type questionnaire to be used by consumers to advise the Commission of certain data concerning their move. The questionnaire is identified as *Moving Service Questionnaire*, form OCP-100-A. The requirement for the inclusion of this questionnaire is deferred until January 1, 1982.

DATE: The requirement for Moving Service Questionnaire, form OCP-100-A, to be included in form OCP-100, Your Rights and Responsibilities When You Move, is deferred until January 1, 1982. This decision is effective on May 27, 1981.

FOR FURTHER INFORMATION CONTACT: Ray G. Atherton, Jr., (202) 275-7844 or W. F. Sibbald, Jr. (202) 275-7148.

SUPPLEMENTARY INFORMATION: Due to the information gathering purpose of the questionnaire approval must be obtained from the Office of Management and Budget (OMB) before the form may be put into use. For reasons not within the control of the Commission application for approval of the form was not made until May 1, 1981, and as of this date said application is pending a final decision.

The motor carriers which are responsible for the distribution of the publication, form OCP-100, are required to provide the publication at their own expense. Within recent days inquiries have been received from carriers and commercial printers regarding the pending OMB approval, and the OMB

forms number which must be printed on the form OCP–100–A questionnaire, and it is evident that further delay will seriously hinder the good-faith efforts of the industry to comply with 49 CFR 1056.2(a)(1) on the June 9, 1981, effective date.

To resolve this issue it has been decided to suspend the requirement that the *Moving Service Questionnaire*, form OCP–100–A, be included in and as part of the publication, *Your rights and Responsibilities When You Move*, form OCP–100, until January 1, 1982. This period of suspension will enable the carriers to purchase the OCP–100 publication in economical quantities and will allow for the orderly transition to the use of a publication which includes the questionnaire. This change of date will not interfere with the commission's collection of data on a calendar year basis. The requirement for the inclusion of the questionnaire, is, therefore, suspended until January 1, 1982.

All form OCP–100 publications printed and distributed during the suspension period and without the questionnaire included should be amended by placing in an appropriate footnote a statement to read:

The Moving Service Questionnaire is not required to be included in booklets distributed prior to January 1, 1982.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

Decided: May 26, 1981.

By The Commission, Acting Chairman Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–16682 Filed 6–3–81; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 46, No. 107
Thursday, June 4, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-GL-51]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Baudette, Minnesota, to accommodate a VOR Runway 30 instrument approach procedure into the Baudette International Airport, Baudette, Minnesota, which was established on the basis of a request from the local airport officials to provide that airport with an additional instrument approach procedure. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual weather conditions.

DATE: Comments must be received on or before July 10, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 80-GL-51, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above surface to 700 feet for a distance of approximately 2.5 nautical miles beyond that now depicted. The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 80-GL-51, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 10, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Baudette, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981 (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is amended to read:

Baudette, Minnesota

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Baudette International Airport, Baudette, Minnesota, (latitude 48°43'15"N, longitude 94°36'00"W); within 3 miles each side of the 107° bearing from Baudette International Airport extending from the 6.5 mile radius to 8 miles east of the airport; within 3 miles each side of the 307° bearing from Baudette International Airport extending from the 6.5 mile radius to 8.5 miles west of the airport excluding that portion outside of the United States.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the critieria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 19, 1981.

Frederick M. Isaac,

Chief, Airports Division, Director, Great Lakes Region.

[FR Doc. 81-16618 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-GL-1]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Phillips, Wisconsin, in order to accommodate a new instrument approach into Price County Airport, Phillips, Wisconsin, which was established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

DATE: Comments must be received on or before July 10, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-1, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-GL-1, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 10, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Phillips, Wisconsin. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Phillips, Wisconsin

That airspace extending upward from 700' above the surface within a 6.5 mile radius of Price County NDB (latitude 45°42'11" N, longitude 90°24'45" W) and 3 miles either side of the 063° bearing of the Price County NDB from 6.5 miles to 8.5 miles.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 19, 1981.

Frederick M. Isaac,

Chief, Airports Division, Director, Great Lakes Region.

[FR Doc. 81-16619 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-GL-5]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Wheaton, Minnesota, in order to accommodate a new instrument approach into Wheaton Municipal Airport, Wheaton, Minnesota, which was established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

DATE: Comments must be received on or before July 10, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-5, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground, except for a small portion of airspace in South Dakota which will be lowered from 3400' to 700' AGL. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-GL-5, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 10, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Wheaton, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Wheaton, Minnesota

That airspace extending upward from 700' above the surface within a 6.5-mile radius of the Wheaton Municipal Airport (latitude 45°47'00" N, longitude 96°32'45" W) at Wheaton, Minnesota, and 3 miles either side of the 152° bearing of the Wheaton NDB from 6.5 miles 8.5 miles.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 19, 1981.

Frederick M. Isaac,

Chief, Airports Division, Director, Great Lakes Region.

[FR Doc. 81-16620 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWE-10]

Proposed Alteration to Transition Area, Ely, Nevada

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the transition area for the Ely Airport-Yelland Field, Ely, Nevada in order to provide additional controlled airspace for aircraft executing an instrument approach procedure to the Ely Airport-Yelland Field Airport utilizing the Ely, Nevada VORTAC.

DATE: Comments must be received on or before June 25, 1981.

ADDRESSES: Send comments on the proposal in triplicate to Director, Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6270.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before June 25, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261, or by calling (213) 536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Ely, Nevada. This action will provide controlled airspace for aircraft utilizing IFR procedures to and from Ely Airport-Yelland Field.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by redescribing the transition area as follows:

§ 71.181 Ely, Nevada.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ely, Nevada VOR, within 5 miles northeast and 9.5 miles southwest of the Ely VOR 303° radial, extending from the VOR to 18.5 miles northwest; within 3.5 miles each side of the Ely VOR 014° radial, extending from the VOR to 14.5 miles northeast; and that airspace extending upward from 1200 feet above the surface within a 22-mile radius of the Ely VOR; within 7 miles northwest and 10 miles southwest of the Ely VOR 335° radial, extending from the 22-mile radius area to 38 miles northwest of the Ely VOR; and within 5 miles east and 7.5 miles west of the Ely VOR 014° radial, extending from the 22-mile radius area to 24.5 miles north of the Ely VOR.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on May 21, 1981.

John D. Mattson,

Director, Western Region.

[FR Doc. 81-16621 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-GL-6]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Red Wing, Minnesota, in order to accommodate a new instrument approach into Red Wing Municipal Airport, Red Wing, Minnesota, which was established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

DATE: Comments must be received on or before July 10, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-6, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-GL-6, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 10, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Red Wing, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Red Wing, Minnesota

That airspace extending upward from 700' above the surface within a 6.5-mile radius of the Red Wing Municipal Airport (latitude 44°35'23" N, Longitude 092°29'07" W) at Red Wing, Minnesota, and within 3 miles either side of the 275° bearing of the Red Wing NDB extending from 6.5 miles to 8.5 miles.

This amendment is proposed under the authority of Section 307(a), Federal

Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 19, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-16648 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-GL-4]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Owatonna, Minnesota, in order to accommodate a revised instrument approach procedure into the Owatonna Municipal Airport, Owatonna, Minnesota. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

DATE: Comments must be received on or before July 10, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-4, 2300 East Devon Avenue, Des Plaines, Illinois 60018

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-GL-4, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 10, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Owatonna, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Owatonna, Minnesota

That airspace extending upward from 700' above the surface within a 7-mile radius of Owatonna Municipal Airport (latitude 44°07'15"N, longitude 093°15'16"W) and within 2 miles each side of the 316° bearing from the Owatonna Municipal Airport from the 7-mile radius to 8 miles northwest of the airport excluding the portion within the Faribault, Minnesota, transition area.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.6 of the Federal Aviation Regulations (14 CFR 11.61).

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 19, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-16649 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Dual-Purpose Child Resistant Packaging; Public Meeting

Correction

In FR Doc. 81-15439 appearing at page 27721 in the issue of Thursday, May 21, 1981, please make the following correction:

On page 27721, under the column "DATES:", the fifth line, the telephone

number which reads "(202) 634–700" should be corrected to read "(202) 634–7700", and the word "by" should be added following the telephone number and before the word "June" which is the first word of the sixth line.

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Act; Plan for the Periodic Review of Rules

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of a Plan for the Periodic Review of Commission Rules.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the Regulatory Flexibility Act, is publishing a plan for the periodic review of rules which have or will have a significant economic impact on a substantial number of small entities. Under the plan, a year of review will be scheduled for rules affecting each major category of entity regulated by the Commission. The substantive rules of the Commission relating to that category will be reviewed within that year's time. The first of the scheduled reviews will commence five years hence.

FOR FURTHER INFORMATION CONTACT: Nancy Yanofsky, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, Telephone: (202) 254–5716.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. § 601 *et seq.*, ("RFA"), requires each agency to consider the effect on small entities of the substantive rules it promulgates. In this regard, Section 610 of the RFA, 5 U.S.C. Section 610, provides in part:

> Within one hundred and eighty days after the effective date of this chapter, each agency shall publish in the Federal Register a plan for the periodic review of the rules issued by the agency which have or will have a significant economic impact upon a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such small entities. The plan shall provide for the review of all such agency rules existing on the effective date of this chapter within ten years of that date and for the review of such rules adopted after the effective date of this chapter within ten years of the publication of such rules as the final rule. . . .

Accordingly, the Commission has prepared a plan for review of those of its rules which may have significant economic impact on small entities regulated by the Commission.

The rules of the Commission are set forth in a number of Parts which constitute Chapter I of Title 17 of the Code of Federal Regulations. Those rules which set forth substantive requirements for entities regulated by the Commission are set forth in separate Parts, each generally concerning a particular category of affected entities. For example, the regulations set forth in Parts 1, 17 and 155 of the Commission's rules generally deal with requirements imposed on futures Commission merchants ("FCMs"), while Part 4 of the Commission's rules concerns commodity pool operators ("CPOs") and commodity trading advisors ("CTAs"), Parts 8, 16 and 100 generally deal with contract markets, and Parts 18 and 19 generally concern large traders.[1] Thus, it appears appropriate that the Commission conduct its review of substantive rules in accordance with their existing organization, and that all Parts primarily relating to one of the major categories of entities regulated by the Commission—contract markets, floor brokers, FCMs, CPOs, CTAs and large traders—be reviewed together. The Commission believes it is feasible to complete review of those rules relating to each of the categories of regulated entities within a year's time.[2]

In establishing this plan for review of its rules, the Commission notes that it has taken into account the fact that many of the rules in chapter 1 were adopted by the Commission since it commenced operation in April 1975 and thus have been in existence for less than six years. Further, some major aspects of its rules applicable to regulated entities have recently undergone major revision. Thus, minimum financial requirements for FCMs have recently been revised, and additional revisions have been proposed.[3] Further, a complete revision of Part 4 of the Commission's rules, concerning requirements imposed on CPOs and CTAs, has recently been adopted.[4] Consequently the Commission does not believe it necessary to undertake review of its rules, for purposes of the RFA, during the next five years, and believes that it would be most appropriate to undertake much of its review toward the end of the ten-year period prescribed by the RFA.[5]

The RFA requires that the review of all rules existing on January 1, 1981 be completed by January 1, 1991.[6] The RFA further requires that:

> Each year, each agency shall publish in the **Federal Register** a list of the rules which have a significant economic impact on a substantial number of small entities, which are to be reviewed pursuant to this section during the succeeding twelve months. The list shall include a brief description of each rule and the need for and legal basis of such rule and shall invite public comment upon the rule.

5 U.S.C. § 610(c).

The Commission believes that it may most effectively implement this

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[1] Several of the rules in Part I concern contract markets (*e.g.*, Rules 1.41–1.45, 1.50–1.54, 1.60), or traders (*e.g.*, Rules 1.47–1.48), rather than FCMs, and some rules in Part I apply to all persons regulated by the Commission (*e.g.*, Rule 1.31 concerning general record-keeping requirements), or to all FCMs and contract market members (*e.g.*, Rule 1.35(a)). Those rules which apply primarily to contract markets and their members, large traders or entities other than FCMs will be reviewed together with the rules concerning that entity. The more general rules applying to all FCMs and others will be reviewed together with all rules applying to FCMs. Similar considerations apply to Parts 15, 21, 155 and 166. In this connection, Section 605(c) of the RFA, 5 U.S.C. § 605(c), provides that "in order to avoid duplicative action, an agency may consider a series of closely-related rules as one rule for the purposes of section . . . 610 of this Title."

[2] The Commission notes that it has proposed its own definitions of "small entities" for purposes of the RFA. 46 FR 23940 (April 29, 1981). The Commission proposes that designated contract markets and registered FCMs and CPOs not be considered small entities. In addition, those business concerns which are large traders in commodity futures would not be considered small entities for purposes of the Commission's large trader reporting requirements. If the proposed definitions are adopted, many of the Commission rules listed at the end of this release as scheduled for review will not in fact require review.

If, however, the task of review proves to require more extensive analysis of all rules applicable to a particular category of regulated entity, and the task proves too great to be accomplished within a year, the Commission notes that the RFA permits the extension of the completion date by one year at a time for a total of not more than five years. 5 U.S.C. § 610.

[3] See Minimum financial Reporting Requirements, 45 FR 79416, 79498 (Dec. 1, 1980); Extension of Comment Period, 46 FR 16691 (March 13, 1981).

[4] See 46 FR 26004 (May 8, 1981).

[5] The RFA provides that in reviewing rules, one factor to be considered is "the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule." 5 U.S.C. Section 610(b)(5).

[6] In this regard, the Commission notes that, since it plans to review such rules in the context of the category of regulated entity to which it applies, it expects that rules promulgated since January 1, 1981 will be reviewed at the same time as the other rules concerning that category. If, however, that proves unfeasible because the new rule is promulgated shortly before the review period for that category or because the rule represents a major revision in itself, a separate date for review will be established in accordance with 5 U.S.C. Section 610(a).

requirement by completing its annual review for the preceding year, and commencing review of those rules scheduled for the next twelve months, at the time it publishes its regulatory flexibility agenda in October of each year.[1] In this way, it will be able at the same time to publish in the agenda any contemplated rule revisions resulting from the previous year's review of existing rules. Therefore, the Commission proposes to commence and complete its annual reviews by November 1 of each year, in accordance with the following schedule:*

Subject	Commission rules	Review period
Rules primarily related to FCMs	Parts 1 (except Rules 1.35(c)–(h), 1.38–1.39, 1.41–1.45, 1.47–1.54, 1.60), 17, 21, 155 (except Rule 155.2) and 166, and Rule 15.05	November 1985–October 1986.
Rules primarily related to CPOs and CTAs	Part 4	November 1986–October 1987.
Registration rules*	Part 3	November 1987–October 1988.
Rules primarily related to large traders	Parts 15 (except Rule 15.05), 18, 19 and 150, and Rules 1.47–1.48	November 1988–October 1989.
Rules primarily related to contract markets and floor brokers	Parts 7, 8, 16, 20, 100 and 180, and Rules 1.35(c)–(h), 1.38–1.39, 1.41–1.45, 1.50–154, 1.60 and 155.2	November 1989–October 1990.

*The Commission has recently designated a new Part 3 of its rules, and consolidated in that Part most of its procedures for registration with the Commission. Thus, procedures for the registration of FCMs, associated persons of FCMS, CPOs and CTAs will be set forth in Part 3, replacing present Rules 1.7–1.10(a)(1), 1.10a–1.11, and 1.13–1.15. Part 3 will not, however, be effective until July 1, 1982. See Revision of Registration regulations; Final Rules; Designation of New Part, 45 FR 80485 (Dec. 5, 1980); deferral of effective date, 46 FR 24941 (May 4, 1981). Consequently, review of this Part has been scheduled to occur after review of the other rules relating to FCM, CPOs and CTAs.

Issued in Washington, D.C., on May 28, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-16629 Filed 6-3-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Ch. I

Proposed Revision of the Customs Bond Structure and Solicitation of Comments

Correction

In FR Doc. 81–15597 appearing on page 28172 in the issue of Tuesday, May 26, 1981, second column, the **"DATES"** paragraph should have read as follows:

"DATES: Comments must be received on or before July 27, 1981."

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Decreased; Retroactivity of Benefit Applications

AGENCY: Social Security Administration, HHS.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Social Security Administration plans to revise its regulations on applications to reflect a 1980 change in the law which reduces from 12 months to 6 months the maximum retroactivity of all applications for social security insurance benefits that are not based on the worker's disability or the disability of a widow or widower. The applications affected are those for old-age benefits, widow's and widower's benefits not based on disability, wife's, husband's, and child's benefits based on the earnings record of a person not entitled to disability benefits, and mother's, father's, and parent's benefits. This change is required by section 1011 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499) and affects applications filed after February 1981. The revision will change 20 CFR 404.621(a), 404.622, and 404.603(b). HHS has determined that the proposed amendment to the regulations does not meet the criteria in Executive Order 12291 for a major regulation.

FOR FURTHER INFORMATION CONTACT: Linda Freud, 1121 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–2539.

Dated: May 4, 1981.

Herbert R. Doggette, Jr.,

Acting Commissioner of Social Security.

[FR Doc. 81-16668 Filed 6-3-81; 8:45 am]

BILLING CODE 4110-07-M

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[1] The RFA requires that a regulatory flexibility agenda, describing those rules which an agency expects to propose or promulgate which are likely to have a significant economic impact on a substantial number of small entities, be published in October and April of each year. 5 U.S.C. section 602(a).

*The following Parts of the Commission rules are not included in the plan for review, for the reasons stated:

—Parts 2, 9, 10, 11, 12, 13, 14, 140, 145, 146 and 147 relate solely to agency organization, procedure and practice and therefore are not rules requiring regulatory flexibility analysis within the meaning of the RFA. See 5 U.S.C. section 601(2).

—Part 30 sets forth a general rule on fraud in connection with commodity transactions, and has no significant economic impact on a substantial number of small entities.

—Part 31 sets forth rules establishing a temporary moratorium on "leverage transactions," and regulates those few leverage firms who are exempt from the moratorium. The few businesses engaged in these transactions do not constitute "a substantial number of small entities."

—Part 32 covers commodity option transactions and provides in section 32.11 for a ban on most commodity options, except for "trade options" and "dealer options." The Commission does not have rules specifically regulating transactions in trade options. The few businesses engaged in "dealer option" transactions with the public do not constitute "a substantial number of small entities." See Proposed Reissuance of and Amendments to Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities, 46 FR 23469, 23477 (April 27, 1981).

—Part 170 sets forth standards governing Commission review of applications for registration as a futures association under Section 17 of the Act. Such an association, if registered, would constitute a self-regulatory organization for various entities regulated by the Commission, and would not in itself be a small entity.

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 162

[CGD 79-120]

Regulated Navigation Areas—Chesapeake Bay Entrance

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to remove § 162.50 of its regulations which covers navigation in Thimble Shoal Channel, Chesapeake Bay. This removal is necessary to resolve a conflict over the size of the draft of vessels allowed to navigate the Thimble Shoal Channel. In § 162.50, vessels must have a draft of 20 feet or more. In § 128.501(c)(4) the requirement is that vessels using the channel for navigation must have a draft not less than 25 feet. The conflict between these two regulations has caused much confusion. The removal of the 20 foot limitation as stated in § 162.50 should eliminate this confusion.

DATE: Comments may be received on or before July 20, 1981.

ADDRESSES: Comments may be mailed to Commandant (G-CMC/24) (CGD 79-120), U.S Coast Guard, Washington, DC 20593. Comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC, between 7:00 a.m. and 5:00 p.m., Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT: Ensign Edward G. LeBlanc, Office of Marine Environment and Systems (G-WWM-2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593, (202) 426-4958 between 7:00 a.m. and 4:30 p.m., Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person submitting them, identify this notice (CGD 79-120) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. If acknowledgment is desired, a stamped addressed post card should be enclosed. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principal persons involved in the drafting of this proposal are: Ensign Edward G. LeBlanc, Project Manager, Office of Marine Environment and Systems, and Lieutenant George J. Jordan, Project Counsel, Office of the Chief Counsel.

Discussion of the Proposed Regulation

In 1948 the Corps of Engineers (COE) promulgated regulations for the Thimble Shoals Channel at the entrance to Chesapeake Bay (33 CFR 207.140). These regulations limited use of the main channel to vessels with drafts of 20 feet or more. Other vessels would have to use the auxiliary channels which are immediately adjacent to the main channel. These regulations included an exemption for passenger-carrying vessels and certain emergency uses.

In 1974 the Coast Guard established a regulated navigation area to protect the Chesapeake Bay Bridge-Tunnel (CBBT) under the authority of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221). These regulations increased the draft limitation to 25 feet and removed the exemption for passenger-carrying vessels.

The preamble to the notice of proposed rulemaking (38 FR 34779, Dec. 18, 1973) stated that the Corps of Engineers would revoke their regulation after the regulated navigation area was established. However, this revocation was never done.

Enforcement responsibility for certain Inland Waterways Navigation Regulations was transferred from the U.S. Army Corps of Engineers to the Coast Guard on September 29, 1977 (42 FR 51758). At the time of the transfer, only minor changes, such as changing the term "District Engineer" to either "District Commander" or "Captain of the Port" as appropriate, were made to make the regulations compatible with Coast Guard operations. During this transfer 33 CFR 207.140 was inadvertently transferred to the Coast Guard and redesignated 33 CFR 162.50.

Because the regulations in Part 128 and Part 162 are inconsistent concerning draft limitations, confusion has occurred between vessels navigating Thimble Shoal Channel. The Coast Guard therefore proposes to reconcile these differences by deleting § 162.50.

When the Coast Guard proposed adopting a 25 foot draft restriction in 39 FR 32132, September 5, 1974, only one comment was received concerning the draft limitation and that comment dealt with the conditions when shallow draft vessels would be permitted to use the main channel. Since authorization to use the main channel by shallow draft vessels can be obtained from the COTP under § 128.501(c)(9)(i), this comment was not acted upon.

The Coast Guard's basis of concern is that shallow draft vessels are now frequently transiting the channel, creating a potentially hazardous situation with larger, less maneuverable vessels. The inconsistency of draft limitation requirements between the two sections will be eliminated, with the 20 foot limitation now contained in § 162.50(a) being deleted and the 25 foot limitation in § 128.501(c)(4) becoming effective for all vessels.

Because the provisions of § 162.50 (b) and (c) are also provided for in § 128.501 (c)(1) and (c)(8) respectively, § 162.50 will be deleted in its entirety to avoid redundancy.

Evaluation

The proposal regulations have been evaluated under Executive Order 12291 and the Coast Guard has determined that this proposal is not a major regulation. The proposed regulations have also been evaluated under the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis and Review of Regulations," dated May 22, 1980 and have been determined to be nonsignificant. The reason for this determination is that this amendment is primarily editorial, the impact is minimal, and the only requirement on vessels with 20-25 foot drafts is that they use the immediately adjacent channels instead of the main channel. The impact is considered so minimal that a draft evaluation is not required.

For these reasons, pursuant to section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164, Pub. L. 96-354, September 19, 1980), it is certified that the proposed amendments will not have a significant economic impact on a substantial number of small entities.

In consideration of the above, it is proposed that Title 33 of the Code of Federal Regulations be amended as follows:

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

§ 162.50 [Removed]

1. By removing § 162.50.

Dated: April 21, 1981.

[33 U.S.C 1231; 49 CFR 1.46(n)(4)]

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81-16604 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-1844-1]

Standards of Performance for New Stationary Sources; Industrial Surface Coating: Appliances; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction of proposed rule.

SUMMARY: This notice is to correct a typographical error in FR Doc. 80-40137 [AD-FRL-1625-8], Wednesday, December 24, 1980, appearing on page 85095, third column, paragraph (b) of § 60.450 regarding performance standards for industrial surface coating for appliances.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5624.

Paragraph (b) of § 60.450 should be corrected to read as follows: "The provisions of this subpart apply to each affected facility identified in paragraph (a) of this section that commences construction, modification, or reconstruction after December 24, 1980."

Dated: May 28, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-16652 Filed 6-3-81; 8:45 am]

BILLING CODE 6560-26-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-4

Licensing of Federally Owned Inventions

AGENCY: General Services Administration.

ACTION: Notice of availability and request for comment on draft regulation.

SUMMARY: Public Law 96-517 provided a statutory basis for the licensing of federally owned inventions. The statute provided further that implementing regulations be prescribed by the General Services Administration. A draft of such regulations has been developed by the Patent Subcommittee of the Interagency Procurement Policy Committee, GSA. When published the regulation will replace the regulations currently prescribed in 41 CFR 101-4.1 of the Code of Federal Regulations (i.e., the Federal Property Management Regulations).

Since the statute becomes effective July 1, 1981, it will be necessary for us to publish the regulation initially in its present form and prior to the receipt of comments in order to satisfy the statute. After the receipt of comments, we will revise the regulation, as appropriate.

DATE: Comments should be submitted on or before July 31, 1981.

ADDRESS: Interested parties may obtain copies of the draft regulation and submit comments to the Federal Procurement Regulations Directorate (VR), GSA, Room 1107, Crystal Square Bldg. 5, Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, telephone 703-557-8947.

Dated: June 1, 1981.

William B. Ferguson,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 81-16608 Filed 6-3-81; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF THE INTERIOR

Geological Survey

43 CFR Part 35

Nondiscrimination Against Minority and Women-Owned Business Enterprises in Outer Continental Shelf Leasing Activities

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: On December 3, 1980, the Department of the Interior published in the **Federal Register** a notice of final rulemaking concerning 43 CFR Part 35, relating to Nondiscrimination Against Minority and Women-owned Business Enterprises in Outer Continental Shelf Leasing Activities. The effective date of the rule was January 2, 1981. Upon request of the Office of Management and Budget (OMB), the reporting and recordkeeping requirements of the regulations were suspended on February 26, 1981. The Department of the Interior now proposes to rescind the final rule.

DATE: Comments on this proposal to rescind the rule must be received on or before July 6, 1981.

ADDRESSES: Comments may be mailed to: David A. Schuenke, Chief, Branch of Offshore Rules and Procedures, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, (703) 860-7395, (FTS) 928-7395.

SUPPLEMENTARY INFORMATION: In the legislative history of the 1978 amendments to the OCS Lands Act, Congress expressed concern that existing Federal equal employment and procurement programs might not be applicable to OCS activities. In Section 604 of the Act, Congress required the Department to take such affirmative action as it deemed necessary to prohibit unlawful employment practices and to assure that no person is excluded from participation in OCS activities on the basis of unlawful discrimination. The law authorizes the Department to promulgate such rules as are necessary to implement affirmative action.

Following the notice of final rulemaking, the Department received from industry numerous comments and petitions for reconsideration of the necessity for the rule. The Secretary believes there is merit in the legal arguments presented in the petitions for reconsideration of the regulations. The comments from industry evidence a history of voluntary commitments and programs that support equal opportunity for the socially and economically disadvantaged. The comments indicated that reports and records of such activities are already provided to other Federal Agencies and, therefore, would be available to the Department if needed. Furthermore, there has been no showing of unlawful discriminate practices on the OCS to necessitate regulatory requirements.

The Secretary has reconsidered the rule and determined that existing programs and Federal regulatory requirements are sufficient to meet his affirmative action responsibilities. Therefore, it is proposed to rescind 43 CFR Part 35.

PART 43 [REMOVED]

Environmental Impact Analysis, Regulatory Analysis, and Small Entity Flexibility Analysis.

The Department of the Interior has determined that proposed rescission of these regulations, 43 CFR Part 35, does

not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an Environmental Impact Statement is not required. The Department has determined that the proposed rescission is not a major action and does not require the preparation of a Regulatory Impact Analysis under Executive Order 12291. The Department has also determined that rescission of the rule will not have a significant economic impact on a substantial number of small entities, thus a small entity flexibility analysis is not required.

May 7, 1981.

Perry Pendley

Deputy Assistant Secretary of the Interior.

[FR Doc. 81-16624 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5843]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Delaware, Hunterdon County, New Jersey, previously published at 45 FR 42701 on June 25, 1981.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, 9202) 755-5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Delaware, Hunterdon County, New Jersey, previously published at 45 FR 42701 on June 25, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

In order for the following locations to be correctly identified with the corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map for Brookville Creek, Wickecheoke Creek, and Third Neshanic River in the Township of Delaware, New Jersey, the descriptions should be amended to read as follows.

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Brookville Creek.	700' upstream of Stone Dam (broken).	*152
Wickecheoke Creek.	1,600' above Lower Creek Road.	*135
	3,600' upstream of Lower Creek Road.	*149
Third Neshanic River.	Approximately 400' upstream of downstream crossing of Briton Road.	*220

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator

Issued: May 20, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16530 Filed 6-3-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6073]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67.4(a).

These elevations, together with the flood plain management measures required by section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
New Hampshire	Hampton Falls, town, Rockingham County	Atlantic Ocean	Entire Hampton Falls shoreline	*9.0
Map available for inspection at the Hampton Falls Town Office, Brown Road, Hampton, New Hampshire.				
Send comments to Honorable William Marston, Chairman of the Hampton Falls Board of Selectmen, Brown Road, Hampton Falls, New Hampshire 03844.				
New Hampshire	Marlborough, town, Cheshire County	Minnewawa Brook	Downstream corporate limits	*635
			Canada Street bridge (upstream side)	*663
			East Terrace Street bridge (upstream side)	*713
			State Route 124 bridge (upstream side)	*728
			Confluence of Robbins Brook	*753
			Approximately 2,420 feet upstream from State Route 101 bridge	*796
		Robbins Brook	Confluence with Minnewawa Brook	*753
			Downstream crossing of State Route 101 bridge (upstream side)	*812
			Ryan Road bridge (downstream side)	*832
			Approximately 1,720' upstream from Ryan Road bridge	*877
			Approximately 4,500' upstream from Ryan Road bridge	*921
			Approximately 8,350' upstream from Ryan Road bridge	*1,028
			Approximately 10,790' upstream from Ryan Road bridge	*1,058
		South Branch Ashuelot River	Downstream corporate limits	*639
			Old Iron bridge (upstream side)	*682
			Approximately 950' upstream from Old Iron bridge	*961
Maps available for inspection at the Marlborough Municipal Building, Main Street, Marlborough, New Hampshire.				
Send all comments to the Honorable David Cheney, Chairman of the Marlborough Board of Selectmen, Box 522, Marlborough, New Hampshire 03455.				
New Jersey	Hampton, borough, Hunterdon County	Musconetcong River	Downstream corporate limits	*335
			Approximately 3,100' upstream of corporate limits	*340
			State Route 31 (upstream side)	*344
Maps available for inspection at the Office of the Borough Clerk, Borough Hall, Hampton, New Jersey.				
Send comments to Honorable Hugh Farley, Mayor of Hampton, Borough Hall, P.O. Box 417, Hampton, New Jersey 08827.				
North Carolina	Unincorporated areas of Henderson County	French Wood River	Just downstream of Fanning Bridge Road	*2,059
			Just upstream of Kings Road (State Highway 191)	*2,065
			Just upstream of Johnson Road	*2,071
			Approximately 500 feet upstream of Etowah School Rd.	*2,083
		McDowell Creek	Just upstream of State Highway 191	*2,115
		Cane Creek	Just upstream of Southern Railway	*2,071
			Just upstream of Mills Gap Road (First Crossing)	*2,085
		Hoopers Creek	Just upstream of Jackson Road	*2,099
			Just upstream of Southern Leveston Road	*2,107
			Approximately 250 feet upstream of Hoopers Creek Road.	*2,132
		Mud Creek	Just upstream of U.S. Highway 25	*2,064
			Just upstream of Balfour Road	*2,078
			Downstream of Crail Farm Rd	*2,109
			Just downstream of Little River Rd	*2,120
		Clear Creek	Just downstream of Interstate Highway 26	*2,081
			Just upstream of Fruitland Road	*2,107
		Devils Fork	Just upstream of Interstate 26	*2,093
			Approximately 130 feet upstream of Howard Gap Road.	*2,109
			Just upstream of Dana Road	*2,129
		Bat Fork Creek	At New Hope Road	*2,061
		Mill Pond Creek	Just upstream of an unnamed county road	*2,076
		Boylston Creek	Just downstream of Banner Farm Rd	*2,073
Maps available for inspection at Henderson County Commissioners Building, 244 Second Avenue East, Hendersonville, North Carolina 28739.				
Send comments to Mrs. Mildred Barringer, Chairman, Board of County Commissioners or Mr. Joel R. Mashburn, County Administrator, 244 Second Avenue East, Hendersonville, North Carolina 28739.				
Oklahoma	Town of Hulbert, Cherokee County	Double Spring Creek	Just upstream of State Highway 51	*596
			Just upstream of Birch Street	*609
		Stream A	Just upstream of Main Street	*598
		Stream B	Just upstream of State Highway 80	*589
Maps available for inspection at Town Hall, Main Street, Hulbert, Oklahoma 74441.				
Send comments to Mayor Frank Teague or Pam Fielden, Court Clerk, P.O. Box 147, Hulbert, Oklahoma 74441.				
Oklahoma	Town of Kiefer, Creek County	Childres Creek	Just upstream of County Road	*674
			Just upstream of State Highway 67	*681
Maps available for inspection at Town Hall, Ohio Avenue, Kiefer, Oklahoma 74041.				
Send comments to Mayor Earl Keylon, P.O. Box 337, Kiefer, Oklahoma 74041.				
Oklahoma	Town of Muldrow, Sequoyah County	Little Skin Bayou	Just upstream of U.S. Highway 64	*463
		Poague Branch	Approximately 400 feet upstream of Bland Street	*481
			Just upstream of U.S. Highway 64	*494
Maps available for inspection at Town Hall, 100 South Main Street, Muldrow, Oklahoma 74948.				
Send comments to Mayor Avos Rogers or Ms. Donna Russell, Town Clerk, Town Hall, P.O. Box 429, Muldrow, Oklahoma 74948.				
Oregon	Dundee (city), Yamhill County	Willamette River	Eastern corporate limits along shoreline	*100

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at City Recorder's Office, 675 Highway 99, Dundee, Oregon.				
Send comments to the Honorable Jack Crabtree, P.O. Box 201, Dundee, Oregon 97115.				
Oregon	Newberg (city), Yamhill County	Hess Creek	Intersection of Southern Pacific Railroad tracks and the channel.	*158
		Chehalem Creek	Approximately 430 feet downstream of the intersection of First Street with the channel.	*105
Maps available for inspection at Planning Department, 414 East 1st Street, Newberg, Oregon.				
Send comments to the Honorable Elvern Hall, 414 East 1st Street, Newberg, Oregon 97132.				
Oregon	Sweet Home (city), Linn County	South Santiam River	At intersection of upstream side of Pleasant Valley Road and South Santaim River.	*492
		Ames Creek	At intersection of 14th Avenue and Ames Creek	*543
Maps available for inspection at City Hall, 1140 12th Avenue, Sweet Home, Oregon.				
Send comments to the Honorable Bob Aharbaugh, 1140 12th Avenue, Sweet Home, Oregon 97386.				
Oregon	Tigard (city), Washington County	Tualatin River	At south end of SW 92nd Avenue	*126
		Fanno Creek	100 feet upstream from center of SW Bonita Road	*137
			At Johnson Court	*155
		Summer Creek	300 feet upstream from center of Southwest 121st Street.	*169
		Ash Creek	50 feet downstream from center of Shade Avenue	*181
Maps available for inspection at Engineering Department, City Hall, 12420 SW Main Street, Tigard, Oregon.				
Send comments to the Honorable Wilbur Bishop, P.O. Box 23397, Tigard, Oregon 97223.				
Oregon	Willamina (city), Yamhill County	Willamina Creek	150 feet upstream from center of South Main Street	*224
Maps available for inspection at City Recorder's Office, 411 N.E. C Street, Willamina, Oregon.				
Send comments to the Honorable Francis Eddy, P.O. Box 629, Willamina, Oregon 97396.				
Oregon	Yamhill (city), Yamhill County	Yamhill Creek	At intersection of downstream side of Tualatin Valley Highway (State Highway 47) and Yamhill Creek.	*151
Maps available for inspection at City Hall, 205 S. Maple, Yamhill, Oregon.				
Send comments to the Honorable Bruce Keefer, P.O. Box 26, Yamhill, Oregon 97148.				
Pennsylvania	Norwood, borough, Delaware County	Darby Creek	Downstream corporate limits	*10
			Upstream corporate limits	*10
Maps available for inspection at the Borough Building, Norwood, Pennsylvania.				
Send comments to Honorable Gerald Baltuskonis, Council President of Norwood, P.O. Box 65, Norwood, Pennsylvania 19074.				
Pennsylvania	South Coatesville, borough, Chester County	West Branch Brandywine Creek	Downstream corporate limits	*284
			Private Road approximately 2,800 feet upstream of corporate limits (upstream side).	*294
			Legislative Route 15236 (upstream side)	*299
			Conrail (upstream side)	*304
			Upstream corporate limits	*308
Maps available for inspection at the South Coatesville Borough Building, Modena Road, Coatesville, Pennsylvania.				
Send comments to Honorable Worth Taylor, Council President of South Coatesville, Modena Road, Coatesville, Pennsylvania 19320.				
Texas	City of Missouri City, Fort Bend and Harris Counties	Stafford Run	Just upstream of Cartwright Road	*70
			Approximately 1,500 feet downstream of Court Road	*71
		Oyster Creek	Just upstream of FM 1092	*64
		Brazos River	Approximately 300 feet south along the Missouri Pacific Railroad from the intersection of Senior Road and Missouri Pacific Railroad.	*67
		Mustang Bayou	Just downstream of Turtle Creek Drive	*76
			Just downstream of Cherry Hills Drive extended	*76
Maps available for inspection at City Hall, 310 Orchard Street, Missouri City, Texas 77459.				
Send comments to Mayor John B. Knox or Mr. Bob Herrera, City Manager, City Hall, P.O. Box 666, Missouri City, Texas 77459.				
Texas	Paris, city, Lamar County	Big Sandy Creek	Corporate limits	*494
			Confluence of Big Sandy Creek Tributary No. 3	*507
			27th Street Southeast	*519
			Confluence of Big Sandy Creek Tributary No. 7	*529
			Polk Street	*554
			Approximately 250' upstream of Woodlawn Street	*571
		Big Sandy Creek Tributary No. 2	Confluence with Big Sandy Creek	*502
			Upstream of U.S. Highway 271	*519
			Approximately 625' upstream of U.S. Route 82	*548
		Big Sandy Creek Tributary No. 3	Confluence with Big Sandy Creek	*507
			Downstream of Mahaffey Lane	525
			Upstream of Houston Street	*557
		Big Sandy Creek Tributary No. 4	Confluence with Big Sandy Creek	*514
			27th Street Southeast	*533
			Approximately 880' upstream of Price Street	*562
		Big Sandy Creek Tributary No. 6	Confluence with Big Sandy Creek Tributary No. 4	*536
			Approximately 50' upstream of Cherry Street	*568
		Big Sandy Creek Tributary No. 7	Confluence with Big Sandy Creek	*529
			17th Street Northeast	*563
			Approximately 675' upstream of 17th Street Northeast	*569
		Big Sandy Creek Tributary No. 8	Confluence with Big Sandy Creek	*546

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of Hearon Street	*560
			Approximately 1,050' upstream of Hearon Street	*574
		Baker Branch	Corporate limits	*503
			Upstream of Old Brookston Road	*513
			Confluence of Baker Branch Tributary No. 10	*536
			Approximately 980' upstream of Bonham Street	*572
		Baker Branch Tributary No. 10	Confluence with Baker Branch	*536
			Approximately 550' upstream of Sherman Street	*560
		Baker Branch Tributary No. 24	Confluence with Baker Branch	*506
			7th Street Southwest	*514
		Cottonwood Branch Tributary No. 11.	Corporate limits	*521
			Texas and Pacific Railroad	*533
			Upstream Sherman Street	*571
			Approximately 375' upstream of Austin Street	*584
		Pine Creek Tributary No. 12	Corporate limits	*505
			Approximately 2,750' upstream of Campbell Street	*524
		Pine Creek Tributary No. 13	Confluence with Pine Creek Tributary No. 12	*506
			28th Street, NW. (downstream side)	*557
			Approximately 50' upstream of 28th Street Northwest	*558
		Smith Creek	Approximately 850' downstream of downstream corporate limits.	*512
			Park Street	*530
			Shiloh Street	*569
			Approximately 475' upstream of Cherry Street	*587
		Smith Creek Tributary No. 15	Corporate limits	*522
			Shiloh Street	*554
			Approximately 3,250' upstream of Houston Street	*589
		Smith Creek Tributary No. 16	Corporate limits	*522
			Approximately 750' upstream of Henderson Street	*537
		Stillhouse Creek	Corporate limits	*506
			Center Street	*533
			Approximately 300' upstream of Provine Street	*573
		Stillhouse Creek Tributary No. 18	Confluence with Stillhouse Creek	*512
			Belmont Street	*563
			Approximately 750' upstream of Booth Street	*585
		Stillhouse Creek Tributary No. 20	Corporate limits	*514
			Upstream of Ridgeview Street	*573
		Stillhouse Creek Tributary No. 21	Confluence with Stillhouse Creek Tributary No. 20	*530
			Approximately 200' upstream of Fairfax Street	*581
		Stillhouse Creek Tributary No. 22	Corporate limits	*507
			Upstream of Loop Highway 286	*537
		Stillhouse Creek Tributary No. 23	Confluence with Stillhouse Creek Tributary No. 22	*522
			Loop Highway 286	*539
Maps available for inspection at the Office of the City Manager, City Hall, 131 First SE., Paris, Texas.				
Send comments to Honorable Billy Joe Burnett, Mayor Pro-Tem of Paris, P.O. Box 1037, Paris, Texas 75460.				
Texas	City of Richmond, Fort Bend County	Brazos River	Just upstream of Jackson Street extended	*85
			Just downstream of Hillcrest Drive extended	*83
Maps available for inspection at City Hall, 402 Morton Street, Richmond, Texas 77469.				
Send comments to Mayor Hilmore G. Moore or Mr. Keith Crawford, City Manager, City Hall, 402 Morton Street, Richmond, Texas 77469.				
Texas	City of Sugarland, Fort Bend County	Oyster Creek	Just downstream of Southern Pacific Railroad	*75
			Just upstream of Oyster Creek Drive	*74
		Brazos River	Just south of the intersection of Route 6 and the levee (southwest of Char Lake).	*75
Maps available for inspection at City Hall, 255 Guenther Street, Sugarland, Texas 77478.				
Send comments to Mayor Walter McMeans or Mr. Lee Duggan, Councilman, City Hall, P.O. Box 110, Sugarland, Texas 77478.				
Texas	City of Taylor, Williamson County	Mustang Creek	Just downstream of Missouri Kansas Texas Railroad	*514
			Just downstream of South Main Street (State Highway 75).	*517
			Just downstream of North Bound Carlos Parker Loop (U.S. Highway 79).	*533
		Bull Branch	Just upstream of East Third Street	*522
			Just upstream of Burkett Street	*537
			Just downstream of Davis Street	*569
		Mustang Creek Tributary 1	Just upstream of Missouri Pacific Railroad	*551
			Just upstream of Lake Drive	*587
		Gravel Pit Draw	Just downstream of Missouri Pacific Railroad	*524
			Just downstream of U.S. Highway 79	*551
		Railroad Lake Draw	Just downstream of Missouri Pacific Railroad	*533
			Just upstream of Missouri Pacific Railroad	*557
			Just upstream of U.S. Highway 79	*558
Maps available for inspection at City Hall, 400 Main Street, Taylor, Texas 76574.				
Send comments to Mayor George Rucieha or Mr. Dan Mize, City Manager, City Hall, P.O. Box 410, Taylor, Texas 76574.				
Utah	Centerville (city), Davis County	Parrish Creek	Intersection of Creek View Road and 400 West Street	#1
		Deuel Creek	Approximately 50 feet south of the intersection of Parrish Lane and Frontage Road.	#3
			Upstream side of the upstream crossing of 100 South Street over the channel.	*4,545
		Stone Creek	Intersection of the southern corporate limits and the channel.	*4,254

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Barnard Creek	Approximately 500 feet west of the intersection of Chase Lane and State Highway 106.	#1
		Ricks Creek	200 West Street over the channel	*4,270
			Upstream side of State Highway 106 over the channel	*4,316
	Maps available for inspection at City Recorder's Office, 521 N. 400 West, Centerville, Utah.			
	Send comments to the Honorable Golden Allen, 521 N. 400 West, Centerville, Utah 84014.			
Utah	Davis County (unincorporated areas)	Hooper Canyon Creek	Upstream edge of 3350 South	*4,645
		North Canyon Creek	Upstream edge of Davis Boulevard	*4,677
		Davis Creek	Upstream edge of Frontage Road	*4,249
		Steed Creek	Upstream edge of Frontage Road	*4,252
		Haight Creek	Upstream edge of Union Pacific Railroad	*4,278
		Baer Creek	125 feet downstream from center of Union Pacific Railroad.	*4,280
		Holmes Creek	50 feet upstream from center of Fairfield Road	*4,378
		North Fork Holmes Creek	Approximately 1,250 feet east of center of intersection of State Highway 106 and 700 South.	*4,329
		Kays Creek	Downstream edge of 1200 West	*4,267
		Snow Creek	Center of Adamswood Road	*4,420
		Rudd Creek	At eastern corporate limits of the City of Farmington	*4,704
		Barton Creek	Center of 1800 North	*4,224
	Maps available for inspection at Surveyor's Office, Davis County Courthouse, Farmington, Utah.			
	Send comments to the Honorable Ernest Eberhard, Davis County Courthouse, Farmington, Utah 84025.			
Utah	South Ogden (city), Weber County	Burch Creek	Upstream side of Country Club Drive over channel	*4,420
			Downstream side of Harrison Boulevard over the channel.	*4,756
	Maps available for inspection at City Building Inspector's Office, 525 39th Street, South Ogden, Utah.			
	Send comments to the Honorable J. Farrell Shepherd, 525 39th Street, South Ogden, Utah 84403.			
Virginia	Hallwood, town, Accomack County	Messongo Creek	Downstream Corporate Limits	*11
			1st Conrail Bridge (Upstream side)	*18
			Upstream Corporate Limits	*23
	Maps available for inspection at the Town Hall, Hallwood, Virginia.			
	Send comments to the Honorable Zeb B. Barfield, Mayor of Hallwood, Box 204, Hallwood, Virginia 23359.			
Washington	Port Townsend (city), Jefferson County	Port Townsend Bay	Approximately 150 feet south of the intersection of Quincy Street and Water Street.	*10
			Intersection of Washington Street and Kearney Street	#1
		Strait of Juan de Fuca	Approximately 200 feet north of the intersection of Kuhn Street and 58th Street.	*10
		Admiralty Inlet	Approximately 100 feet east of the intersection of Hudson Street and Cosgrove Street.	*8
	Maps available for inspection at City Engineer's Office, 540 Water Street, Port Townsend, Washington.			
	Send comments to the Honorable Barney McClure, 540 Water Street, Port Townsend, Washington 98368.			
Wisconsin	(Unincorporated), Fond du Lac County	Silver Creek	Just upstream of county boundary (at Dead End Road)	*803
			Just upstream of U.S. Highway 23	*812
			About 0.35 mile upstream of County Highway NN (at Ripon corporate limits).	*826
			Just upstream of Douglas Street (at Ripon corporate limits).	*929
			Just downstream of Willow Road	*940
		South Branch Rock River	At confluence with West Branch Rock River	*869
			About 0.25 mile upstream of U.S. Highway 151 (near Waupun corporate limits).	*873
			About 440 feet downstream of County Highway MMM	*889
		West Branch Rock River	Just upstream of county boundary (at State Highway 49).	*866
			Just upstream of County Highway D	*874
			About 2.5 miles upstream of County Highway D	*877
		West Branch Fond du Lac River	About 0.75 mile downstream of U.S. Highway 41 (at Fond du Lac corporate limits.	*760
			Just upstream of U.S. Highway 41 West Frontage Road.	*769
			Just upstream of Esterbrook Road	*792
			Just upstream of Townline Road	*815
			Just downstream of State Highway 23	*846
			About 0.7 mile downstream of County Highway KKK	*854
			About 1.1 miles upstream of County Highway KKK	*869
		East Branch Fond du Lac River	About 0.8 mile downstream of U.S. Highway 41 (at Fond du Lac corporate limits).	*771
			Just upstream of Soo Line Railroad	*809
			Just upstream of River Road	*826
			About 1.2 miles upstream of County Highway D	*833
		Parsons Creek	At confluence with East Branch Fond du Lac River	*820
			Just upstream of County Highway FFF	*835
			Just upstream of County Highway B	*862
		Clamshell Creek	Just upstream of Lincoln Road	*751
			About 0.96 mile upstream of Lincoln Road	*752
		West Fork Clamshell Creek	At mouth	*752
			About 0.6 mile upstream of mouth	*761
		Popular Creek	Just upstream of U.S. Highway 45	*750

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
			About 0.85 mile upstream of U.S. Highway 45	*761
		Anderson Creek	Just upstream of U.S. Highway 45	*750
			Just upstream of Minnesota Avenue	*772
			Just upstream of State Highway 175	*783
			About 1.0 mile upstream of State Highway 175 (just downstream of Melody Lane).	*797
		Mosher Creek	Just upstream of U.S. Highway 45	*751
			About 0.25 mile upstream of U.S. Highway 45 (at North Fond du Lac corporate limits).	*754
			At western North Fond du Lac corporate limits	*774
			About 150 feet upstream of U.S. Highway 41 East Frontage Road.	*779
		Supple Creek	At North Fond du Lac corporate limits	*752
			Just downstream of Chicago and North Western Railroad (at Fond du Lac corporate limits).	*753
		Luco Creek	About 0.15 mile upstream of U.S. Highway 151	*750
			At confluence of Taycheedah Creek	*752
		Taycheedah Creek	Just upstream of State Highway 23	*769
			Just upstream of County Highway K	*806
			Just upstream of Grandview Road	*918
			Just upstream of County Highway UU	*948
			Just upstream of second crossing of Artesian Road	*984
			About 3 miles upstream of County Highway UU (at Old County Highway T).	*1,020
		Milwaukee River	At county boundary	*943
			Just upstream of Ashford-Auburn Drive	*959
			Just downstream of County Highway Y crossing (at Campbellsport corporate limits).	*986
			About 1.4 miles upstream of the upstream Campbellsport corporate limits.	*1,003
		West Branch Milwaukee River	Downstream county boundary	*942
			Just upstream of Chicago and North Western railroad	*953
			Just downstream of Schrauths Mill Dam	*971
			Just upstream of Schrauths Mill Dam	*979
			Just downstream of Town Road	*994
		East Branch Milwaukee River	Just upstream of County Highway F	*999
			Just downstream of Long Lake Dam	*1,005
			Just upstream of Long Lake Dam	*1,010
			At eastern county boundary	*1,013
		Lake Winnebago	Shoreline	*750

Maps available for inspection at the County Zoning Administrator's Office, Fond du Lac County Courthouse, 190 South Main Street, Fond du Lac, Wisconsin.

Send comments to Honorable Wilbert Halback, County Board Chairman, Fond du Lac County, Fond du Lac County Courthouse, 190 South Main Street, Fond du Lac, Wisconsin 54935.

Wisconsin	(V), Germantown, Washington County	Menomonee River	About 1.45 miles downstream of State Highway 41	*842
			About 0.53 mile upstream of Lovers Lane	*853
			At confluence with Menomonee River	*850
		North Branch Menomonee River	About 150 feet upstream of Holy Hill Road	*853
			About 150 feet downstream of Chicago and North Western railroad.	*885
			About 0.53 mile upstream of State Highway 145	*900
			About 1.1 miles upstream of State Highway 145	*925
		West Branch Menomonee River	At confluence with Menomonee River	*850
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad (upstream of Maple Drive).	*867
			Just upstream of Freistadt Road (about 0.25 mile downstream of Golden Dale Road).	*905
			Just downstream of State Highway 41	*914
			About 0.28 mile upstream of Hilltop Drive	*930
		Bonniwell Creek	Just downstream of Bonniwell Road	*860
			Just downstream of Rockfield Road	*888
		Little Cedar Creek	About 1.02 miles downstream of Chicago and North Western railroad.	*851
			About 1.0 mile upstream of Fond du Lac Road	*860
		Willow Creek	Just upstream of Lannon Road	*843
			Just upstream of State Highway 145	*857
			Just downstream of Amy Belle Road	*892
		Tributary No. 1	Just downstream of South Division Road	*844
			About 0.83 mile upstream of South Division Road	*853
			Just upstream of Glenwood Drive	*898
		Tributary No. 1A	At confluence with Tributary No. 1	*844
			About 130 feet upstream of Division Road	*851
			About 0.58 mile upstream of Division Road	*864
		Tributary No. 1B	At confluence with Tributary No. 1	*859
			About 0.43 mile upstream of Pilgrim Road	*873
		Tributary No. 2	About 0.97 mile downstream of Western Avenue	*848
			About 260 feet downstream of Mequon Road	*852
			About 650 feet upstream of Mequon Road	*857
		Tributary No. 3	At confluence with Menomonee River	*850
			About 0.56 mile upstream of confluence with Menomonee River.	*855
			Just downstream of East Lovers Lane Road	*852
			About 0.38 mile upstream of East Lovers Lane Road	*857
		North Crossway	About 0.76 mile downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*769
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*779

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Office of the Engineer, Village Hall, N122 W17177 Fond du Lac Avenue, Germantown, Wisconsin.				
Send comments to Honorable Robert R. Packee, Village President, Village of Germantown, Village Hall, N122 W17177 Fond du Lac Avenue, Germantown, Wisconsin 53022.				
Wisconsin	(C), Milwaukee, Milwaukee and Washington Counties	Lake Michigan	At shoreline within community	*584
		Menomonee River	Mouth at Milwaukee River	*584
			About 0.7 mile upstream of North 16th Street	*584
			About 300 feet downstream of North 27th Street	*590
			About 100 feet upstream of North 27th Street	*597
			About 600 feet upstream of West Wisconsin Avenue	*607
			Just upstream of U.S. Highway 41	*626
			Just downstream of West Burleigh Street	*686
			Just downstream of North 124th Street	*710
			Just upstream of West Mill Road	*732
			About 0.75 mile upstream of West Good Hope Road (at county boundary).	*742
		Little Menomonee River	Mouth at Menomonee River	*702
			Just downstream of West County Line Road	*720
		Kinnickinnic River	Mouth at Milwaukee River	*584
			Just downstream of Interstate 94	*590
			About 150 feet upstream of South 20th Street	*630
			Just upstream of South 43rd Street	*650
			About 100 feet upstream of confluence of Lyons Park Creek.	*688
		Wilson Park Creek	Mouth at Kinnickinnic River	*634
			About 0.3 mile upstream of mouth	*637
			About 500 feet downstream of West Lakefield Drive	*648
			Just downstream of West Layton Avenue	*664
		Lyons Park Creek	Mouth at Kinnickinnic River	*687
			About 700 feet upstream of South 55th Street	*739
		Milwaukee River	Mouth of Lake Michigan	*584
			Just downstream of North Avenue Dam	*585
			Just upstream of North Avenue Dam	*600
			Just downstream of East Capitol Drive	*606
			Just downstream of West Silver Spring Drive	*625
		Lincoln Creek	Mouth at Milwaukee River	*622
			Just downstream of West Silver Spring Drive	*669
		Shallow Flooding (overflow from Lincoln Creek).	Area bordered by North Sercombt Street, North 40th Street, West Capitol Drive and North 30th Street and West Ruby Avenue.	#2
		Honey Creek	Just downstream of Blue Mound Road	*682
			Just upstream of West Blue Mound Road	*685
			About 500 feet upstream of South 84th Street	*694
			Just upstream of West Oklahoma Avenue	*731
			Just downstream of West Cold Spring Road	*751
Maps available for inspection at the Office of the Building Inspector, Room 1007, Municipal Building, 841 North Broadway Street, Milwaukee, Wisconsin.				
Send comments to Honorable Henry W. Maier, Mayor, City of Milwaukee, Municipal Building, 841 North Broadway Street, Milwaukee, Wisconsin 53202.				
Wisconsin	(Unincorporated), Racine County	Hushers Creek	At confluence with Root River	*671
			Just upstream of Seven and Half Mile Road	*674
			About 240 feet downstream of County Highway H	*706
			Just upstream of County Highway H	*713
		Hoods Creek	At confluence with Root River	*648
			About 2,850 feet downstream of State Highway 38	*672
			Just upstream of Airline Road	*692
			Just upstream of County Highway H	*719
			About 1,900 feet upstream of State Highway 20	*730
		Root River Canal	About 1.19 miles downstream of Seven Mile Road	*686
			Just downstream of Six Mile Road	*693
			About 0.8 mile upstream of Five Mile Road	*697
		Hoods Creek Tributary	At confluence with Hoods Creek	*726
			About 1.1 miles upstream of confluence with Hoods Creek.	*728
		Root River	About 4.0 miles downstream of Abandoned Railroad (at downstream corporate limit).	*636
			Just downstream of Four Mile Road	*656
			About 0.55 mile upstream of 43rd Street	*660
		West Branch Root River Canal	At confluence with Root River Canal	*697
			Just upstream of Washington Avenue	*702
			About 0.31 mile upstream of 58th Road	*707
		East Branch Root River Canal	At confluence with Root River Canal	*697
			Just upstream of Three Mile Road	*704
			About 0.07 mile upstream of 50th Road	*720
			About 0.36 mile downstream of Ives Groves Road	*730
			Just upstream of 55th Drive	*750
			About 0.14 mile downstream of County Highway KR	*762
			Just downstream of County Highway KR	*768
		Tributary No. 1 of the West Branch Root River Canal.	At confluence with West Branch Root River Canal	*698
			Just downstream of County Highway K	*706
			About 400 feet upstream of County Highway K	*713
			Just upstream of Private Farm Bridge (about 1.0 mile downstream of Five Mile Road).	*723
			Just upstream of Five Mile Road	*737
			About 0.39 mile upstream of County Highway U	*743
		Tributary No. 2 of West Branch Root River Canal.	At confluence of West Branch Root River Canal	*701
			About 3,800 feet upstream of County Highway U	*717

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Tributary No. 2A of West Branch Root River Canal.	At confluence of Tributary No. 2 with West Branch Root River Canal.	*702
			Just upstream of Farm Bridge (about 0.73 mile upstream of confluence of Tributatory No. 2 with West Branch Root River Canal).	*707
			About 1.69 miles upstream of confluence with Tributary No. 2 of West Branch Root River Canal.	*721
		Tributary No. 3 of West Branch Root River Canal.	At confluence with West Branch Root River Canal	*702
			Just upstream of 63rd Drive	*716
			About 0.36 mile upstream of 63rd Drive	*721
		Muskego Drainage Canal	At confluence with Wind Lake	*773
			About 2,250 feet upstream of Loomis Road	*774
		White River	Just downstream of Bienemann Road	*766
			About 5,500 feet upstream of Bienemann Road	*768
		Des Plaines River	Just upstream of County Highway KR	*706
			About 3,100 feet upstream of County Highway KR	*711
		Unnamed Tributary No. 1 to Des Plaines River.	Just upstream of First Street	*738
			About 1,860 feet upstream of First Street	*754
		Unnamed Tributary No. 2 to Des Plaines River.	At downstream corporate limits	*707
			About 1,060 feet upstream of corporate limits	*713
		Honey Creek	At confluence with White River	*766
			About 6,300 feet upstream of Spring Prairie Road	*770
		Eagle Creek	Just upstream of County Highway A	*783
			Just upstream of Noble Square Road	*792
			Just upstream of County Highway N	*796
			Just downstream of Eagle Lake Outlet Structure	*796
		Unnamed Tributary to Goose Lake Branch Canal.	At confluence with Goose Lake Branch Canal	*772
			Just downstream of North Britton Road	*775
		Goose Lake Branch Canal	At confluence with Wind Lake Canal	*772
			About 5,350 feet upstream of Hansen Road	*773
		Wind Lake Drainage Canal	About 2,000 feet downstream of State Highway 36	*768
			Just upstream of Wind Lake Road	*773
		Unnamed Tributary to Wind Lake	About 800 feet downstream of Wind Lake Road	*773
			About 1,700 feet upstream of Farm Bridge (about 10,150 feet upstream of County Highway S).	*776
		Waxdale Tributary	At confluence with North Branch Pike River	*670
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*671
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*678
			Just upstream of Village of Sturtevant upstream corporate limit.	*713
			About 0.68 mile upstream of Village of Sturtevant upstream corporate limits.	*736
		Waubeesee Lake Canal	At confluence with Wind Lake Drainage Canal	*773
			Just upstream of County Road 36	*777
			Just upstream of Wind Lake Road	*779
		Kilbourn Road Ditch	About 5,900 feet downstream of Braun Road	*729
			About 2,200 feet upstream of Braun Road	*735
		Tributary to Kilbourn Road Ditch	At confluence with Kilbourn Road Ditch	*730
			About 2,970 feet upstream of confluence of Kilbourn Road Ditch.	*735
		Hoosier Creek	At confluence with Fox River	*754
			Just upstream of State Highway 142	*758
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*767
			Just upstream of Weller Road	*770
		Hoosier Creek Canal	At confluence with Hoosier Creek	*758
			About 2.3 miles upstream of confluence with Hoosier Creek (at Farm Bridge).	*773
		Hoosier Branch Canal	At confluence with Hoosier Creek	*755
			At Wheatland Road	*755
		Spring Brook	At confluence with Fox River	*757
			Just upstream of Soo Line Railroad	*764
			Just upstream of State Highway 83	*768
			Just upstream of Fish Hatchery Road	*799
			Just downstream of Lake Bohner Control Structure	*805
		Fox River	At downstream corporate limits	*752
			Just downstream of State Highway 83	*762
			At upstream corporate limits	*777
		Tributary to Pike River	Just upstream of County Highway KR	*615
			Just upstream of Lathrop Avenue	*632
		Chicory Tributary	At confluence of North Branch Pike River	*668
			Just downstream of Chicago and North Western railroad.	*674
			Just upstream of Chicago and North Western railroad	*678
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*705
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*719
			About 2,650 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*723
		North Branch Pike River	At downstream corporate limits	*657
			Just upstream of Chicory Road	*668
			Just upstream of State Highway 20	*680
			Just upstream of Chicago and North Western railroad	*687
			Just upstream of County Highway C	*692

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Unnamed Tributary No. 1 to North Branch Pike River.	At confluence with North Branch Pike River	*661
			Just downstream of Chicago and North Western Railroad.	*673
			Just upstream of Chicago and North Western Railroad	*679
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*699
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*705
			About 2,550 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*714
		Lake Michigan	Shoreline	*584
		Tichigan Lake	Shoreline	*776
		Fox River Lake	Shoreline	*776
		Eage Lake	Shoreline	*799
		Bohner Lake	Shoreline	*805
		Brown's Lake	Shoreline	*770
		Wind Lake	Shoreline	*773
		Long Lake	Shoreline	*781
		Waubeesee	Shoreline	*781
		Buena Lake	Shoreline	*776

Maps available for inspection at the Office of the Zoning Administrator, Racine County Highway and Office Building, 14200 Washington Avenue, Racine, Wisconsin.

Send comments to Honorable Leewood E. Hoeppner, County Board Chairman, Racine County, Racine County Highway and Office Building, 14200 Washington Avenue, Racine, Wisconsin 53177.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 21, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16531 Filed 6-3-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

45 CFR Part 304

Federal Financial Participation in Costs of Cooperative Agreements With Courts and Law Enforcement Officials

AGENCY: Office of Child Support Enforcement (OCSE), Department of Health and Human Services.

ACTION: Notice of proposed rulemaking.

SUMMARY: The child support enforcement program in many States relies heavily on the cooperation of courts for the processing of child support cases. Some courts have experienced marked increases in the volume of such cases as a direct result of the IV–D program. To compensate courts for this increased activity, title IV–D of the Social Security Act permits Federal matching for IV–D related court costs by means of cooperative agreements between courts and IV–D agencies. In addition, title IV–D permits child support agencies to enter into similar cooperative arrangements with certain law enforcement officials to provide for the prosecution of child support cases.

Section 404 of Pub. L. 96–265, the Social Security Disability Amendments of 1980, amended Section 455 of the Social Security Act effective July 1, 1980 to expand the availability of Federal financial participation (FFP) in court costs. This statute for the first time permits FFP in certain costs incurred by courts in connection with the actual judicial decision making process. These proposed regulations implement the new statutory provisions. In addition, OCSE proposes several changes in the language of the existing regulations at 45 CFR 304.21 to provide greater clarity for users of the regulations. No substantive changes are proposed with respect to agreements with law enforcement officials.

DATE: Consideration will be given to written comments and suggestions received by August 3, 1981.

ADDRESS: Address comments to: Director, Office of Child Support Enforcement, Department of Health and Human Services, Suite 900, 6110 Executive Blvd., Rockville, Maryland 20852, ATTN: Policy Branch. Agencies and organizations are requested to submit comments in duplicate. The comments will be available for public inspection Monday through Friday, 8:30 a.m. to 5:00 p.m., in Room 1010 of the Department's offices at the address above.

FOR FURTHER INFORMATION CONTACT: Eileen Brooks, Policy Branch, OCSE, telephone (301) 443–5350.

SUPPLEMENTARY INFORMATION:

Background

Federal policy governing the financing of prosecutorial law enforcement officials under agreements with IV–D agencies has undergone little change since the inception of the IV–D program. However, the policy with respect to courts has been gradually liberalized to permit increased Federal financial participation.

Original Federal policy under title IV–D provided FFP only in costs of compensation of certain court employees performing IV–D functions. FFP in all the administrative costs in support of these individuals and all other ordinary administrative costs of the judiciary system was prohibited under this early policy.

An expanded level of FFP in court costs was established by a final rule published by OCSE July 31, 1978 (43 FR 33249). It was later applied retroactively to July 1, 1975 under an amendment published October 3, 1979 (44 FR 56939). This expanded FFP is provided for in existing regulations at 45 CFR 304.21.

These regulations prohibit FFP in "any costs incurred by a court in making judicial determinations," including both personnel and administrative court costs associated with the judicial determination process. Under these regulations, however, FFP is available in the costs of compensation of non-judicial staff and in certain administrative costs, such as office space, furnishings, supplies, computers, etc., incurred in providing child support enforcement services under the IV–D program. Costs of compensation of court referees and court masters are also eligible for FFP, but only if the referee or master does not make the actual judicial determination or sign the court order.

The Department has historically distinguished the costs of making judicial determinations from the costs of performing other child support functions, such as collection and enforcement, under cooperative agreements with courts. It has been our position that funding the costs of judicial decision making could raise questions concerning the impartiality of the judicial process. Thus, while OCSE policy has permitted FFP in certain costs incurred by courts in providing IV–D services in the interest of encouraging expansion and improvement of the child support enforcement program, it has not permitted FFP in any personnel or other administrative costs incurred in the course of the judicial determination process.

New Statutory Provisions

Effective July 1, 1980, Section 404(a) of Pub. L. 96–265 expands the availability of FFP in IV–D related court activities. Personnel and administrative costs incurred in making judicial determinations with respect to cases receiving child support enforcement services under a State's IV–D plan are now eligible for FFP under the amended statute, with the exception of "expenditures for, or in connection with, judges and other individuals making judicial determinations." Further, Section 404 also provides that FFP in these newly eligible costs is available only in costs above the calendar year 1978 level. The latter provision is discussed in greater detail below under the heading, "Maintenance of Effort Provision."

New Expenditures for Which FFP Is Available

Section 404(a) of Pub. L. 96–265 permits FFP in the costs of support staff and administration of court activities related to judicial determinations with respect to cases receiving services under the IV–D State plan. Under Section 404 the costs of judicial support staff such as bailiff, stenographer and court recorder, which were previously ineligible because they are costs related to judicial determinations, are now eligible for Federal matching. In addition, administrative costs of courts attributable to judicial determinations, with the exception of those administrative costs directly related to the judicial decision maker, are now eligible for FFP under the Child Support Enforcement program. We propose to define these eligible administrative costs to include office space, equipment, furnishings, travel and supplies incurred on behalf of judicial support staff performing IV–D functions under a cooperative agreement.

Under the provisions of Pub. L. 96–265, the prohibition against FFP in costs directly associated with judges and other officials who make judicial decisions remains in effect. Thus, these proposed regulations at 45 CFR 304.21(b) specify that court costs which remain *ineligible* for FFP are those associated with compensation of judges and other individuals who make judicial determinations, as well as the costs of personal office space, equipment, furnishings, travel, training and supplies incurred on behalf of such persons.

Maintenance of Effort Provision

Section 404(a) of Pub. L. 96–265 provides that "the aggregate amount of the expenditures" for which reimbursement is claimed under this statute must be "reduced (but not below zero) by the total amount of [such] expenditures * * * which were made by the State for the 12-month period beginning January 1, 1978." This provision insures that the Federal role with respect to the newly eligible court costs is one of encouraging increased court time for cases receiving IV–D services through State and local courts under cooperative agreements, rather than matching expenses which have been financed solely by State and local governments before Federal assistance was available.

Although the statute quoted above refers to 1978 expenditures "made by the State," OCSE proposes to interpret the statutory maintenance of effort provision as applying to each cooperative agreement under which FFP is claimed. We believe this is the most practical interpretation of this requirement because it will necessitate that expenditure totals be accumulated only one time, generally at the local level. A statewide expenditure total would require that aggregate court costs for all cooperative agreements be maintained by the State in addition to costs for each individual agreement. Only when the aggregate Statewide costs were exceeded would any of the costs of making judicial determinations be eligible for FFP. Under a Statewide application of the maintenance of effort clause, the impact of courts that refuse to participate in the expansion of IV–D activities permitted by the new statute would be to increase the 1978 base year "deductible" expenditures without adding to the eligible expenditures for the current period. This would be burdensome on the those courts interested in participating. Accumulating costs on the State level could thus frustrate the intent of Congress by discouraging increased court participation in the adjudication of IV–D cases in those courts that are willing to increase their expenditures. We believe that applying the maintenance of effort requirements by agreement rather than Statewide is therefore more advantageous to interested courts, in addition to being more practical.

For the above reasons, then, we propose at 45 CFR 304.21(c) that for each cooperative agreement, the State or local jurisdiction must spend up to its calendar year 1978 level of expenditures for the activities eligible under Section 404 of Pub. L. 96–265 before it can receive FFP in expenditures for IV–D judicial determinations above this level. This rule would apply both to agreement covering individual courts and those covering multiple courts. The administration of this provision would require that 1978 expenditures for applicable eligible items be reconstructed for each cooperative agreement.

Reconstruction of 1978 Costs

According to Section 404(a), the 1978 costs which must be subtracted from claims for FFP in the newly covered court activities are those "attributable to the performance of services which are directly related to, and clearly identifiable with, the operation of [the IV–D State] plan." Thus, the 1978 base period expenditures which are reconstructed by courts in order to make claims for FFP under Section 404 should include only expenditures incurred on behalf of cases receiving services under the IV–D State plan. Cases receiving services under the IV–D State plan during the 1978 base period are those for which either (a) an assignment under 45 CFR 232.11 was in effect, or (b) an application for services under 45 CFR 302.33 had been made. Expenditures for other types of child support cases must

not be included in the reported calendar year 1978 costs.

Section 404(a) specifies that the 1978 base period expenditures which are used to reduce the amount of Federal reimbursement for the newly eligible costs must be the "total amount" of such costs which were incurred in 1978. OCSE interprets this to apply even if claims filed under an agreement do not include all the costs for which reimbursement is available under Section 404. Therefore, we propose that the 1978 base period expenditure figure for each agreement must include *all* the costs incurred in calendar year 1978 for the activities now eligible under Section 404, regardless of whether all such costs are currently claimed for reimbursement under the agreement.

Determination of 1978 base period expenditures may prove to be administratively difficult for courts which did not keep records according to IV–D case costs in 1978 and are now required to reconstruct these costs in retrospect. In recognition of this potential difficulty, which is unavoidable under the requirements of the statute, OCSE has instructed its regional offices to assist States in developing acceptable methods of reconstructing 1978 costs incurred on behalf of IV–D cases. The regulations at § 304.21(e) specify that the method used to reconstruct 1978 costs must conform to OCSE instructions and, as required, must be approved by the regional office. Specific instructions on documentation required to support claims for FFP under cooperative agreements are contained in OCSE–AT–77–3, dated January 28, 1977. The acceptable methods for documenting costs in OCSE–AT–77–3 are: daily time records, predetermined fixed rates negotiated with the IV–D agency, sampling techniques, and other alternative methods the IV–D agency may propose. OCSE proposes at § 304.21(e) that any method used to reconstruct 1978 costs must receive prior approval by the regional office.

State Agency Requirement

In order both to provide a record of the 1978 expenditure levels required by the statute and to encourage State oversight with regard to the new expenditure items, OCSE proposes at § 304.21(d) to require State IV–D agencies to submit a 1978 expenditure figure to the Regional Office for each cooperative agreement under which FFP is claimed for costs associated with judicial decisions. This requirement would apply both to existing and to new cooperative agreements. The 1978 figures must be calculated according to an approved methodology, as noted above. Again, this rule would apply by agreement, not necessarily by court, so that only one 1978 expenditure figure would be submitted for each agreement, regardless of the number of courts under that agreement.

OMB Review

The Department is required to submit to the Office of Management and Budget for review and approval the proposed amendment to 45 CFR 304.21 because of its impact on recordkeeping and reporting requirements. The Department will submit this section to OMB.

Interim Instructions

Section 404 of Pub. L. 96–265 was effective July 1, 1980. Because of the short time between enactment of the statute and its effective date, OCSE issued an Action Transmittal (OCSE–AT–80–14, dated August 29, 1980) to establish interim procedures for FFP in the newly eligible court costs, pending the development of regulations for this purpose. A subsequent Action Transmittal (OCSE–AT–80–17, dated December 5, 1980) revised certain instructions contained in the earlier Action Transmittal. The instructions contained in these Action Transmittals are generally consistent with these proposed regulations, and will be effective until final regulations are published.

For the reasons discussed in the preamble, OCSE proposes to revise 45 CFR 304.21 to read as follows:

§ 304.21 Federal financial participation in the costs of cooperative agreements with courts and law enforcement officials.

(a) *General.* Subject to the conditions and limitations specified in this Part, Federal financial participation (FFP) at the 75 percent rate is available in the costs of cooperative agreements with appropriate courts and law enforcement officials in accordance with the requirements of § 302.34 of this chapter. "Law enforcement officials" means district attorneys, attorneys general, and similar public attorneys and prosecutors and their staff. When performed under written agreement, costs of the following activities are subject to reimbursement:

(1) The activities, including administration of such activities, specified in § 304.20(b)(2)–(8) of this chapter;

(2) Reasonable and essential short term training of court and law enforcement staff assigned on a full or part time basis to child support enforcement functions under the cooperative agreement.

(b) *Limitations.* Federal financial participation is not available in:

(1) Service of process and court filing fees unless the court or the law enforcement agency would normally be required to pay the cost of such fees;

(2) Costs of compensation (salary and fringe benefits) of judges or other individuals who make judicial decisions.

(3) Costs of travel or training incurred by judges or other officials who make judicial determinations.

(4) Office related costs, such as office space, equipment, furnishings and supplies, incurred for judges or other officials who make judicial determinations.

(c) *Special conditions pertaining to costs of judicial determinations.* FFP in the costs of judicial determinations incurred by courts under cooperative agreements is subject to the following conditions:

(1) Administrative and personnel costs incurred by courts as part of the judicial determination process are eligible for FFP in that portion of the costs which in any calendar year exceeds the total amount of expenditures incurred in making judicial determinations on behalf of cases receiving services under the IV–D State plan during calendar year 1978, with the exception of the limitations specified in paragraph (b) of this section.

(2) Claims for FFP in expenditures incurred under paragraph (c)(1) of this section with respect to a particular cooperative agreement will be paid only after such expenditures within the calendar year exceed the level of calendar year 1978 expenditures.

(d) *State agency requirement.* For each cooperative agreement under which FFP in costs associated with judicial determinations is claimed, the State IV–D agency shall submit to the Regional Office the lump sum total of all calendar year 1978 costs related to judicial determinations incurred on behalf of cases receiving services under the IV–D State plan, except those costs specified in paragraphs (b)(2) through (4) of this section.

(e) *Methods of determining costs.* The method of calculating eligible expenditures incurred by courts and law enforcement officials under cooperative agreements must conform to OCSE instructions to account for specific costs incurred on behalf of cases receiving services under the IV–D State plan. The method used to reconstruct 1978 expenditures under the requirements of paragraphs (c) and (d) of this section must be approved by the Regional Office, in accordance with OCSE instructions.

(f) *When agreements take effect.* FFP is available in IV–D costs incurred as of

the first day of the calendar quarter in which a cooperative agreement or amendment is signed by parties sufficient to create a contractual arrangement under State law.

Note.—The Office of Child Support Enforcement has determined that this document is not a major rule as described by Executive Order 12291 because it does not meet any of the criteria set forth in Section 1 of the Executive Order.

(Section 1102 of the Social Security Act, 42 U.S.C. 1302 and Section 452(a) of the Social Security Act, 42 U.S.C. 652(a))

(Catalog of Federal Domestic Assistance Program No. 13.679, Child Support Enforcement Program)

Dated: February 25, 1981.

Louis B. Hays,

Acting Director, Office of Child Support Enforcement.

Approved: March 1, 1981.

Richard S. Schweiker,

Secretary, Health and Human Services.

[FR Doc. 81-16631 Filed 6-3-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171 and 173

[Docket No. HM-166-I; Notice No. 81-2]

Transportation of Liquefied Petroleum Gas in Interstate Commerce

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB) proposes to amend Part 173 of 49 CFR to authorize the use of nonspecification cargo tanks for the transportation of liquefied petroleum gas (LPG) in intrastate commerce under certain conditions. This action is necessary because individual States have adopted the Department's Hazardous Materials Regulations which require the use of DOT Specification MC-330 or MC-331 cargo tanks. The intended effect of this action is to allow continued use of nonspecification cargo tanks for the transportation of LPG in intrastate commerce until they are taken out of service and replaced with new tanks that meet DOT requirements.

DATE: Comments must be received by June 16, 1981.

ADDRESS: Send comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 7th Street, S.W., Washington, D.C. 20590. (202) 472-2726.

SUPPLEMENTARY INFORMATION: Since passage of the Hazardous Materials Transportation Act (HMTA) of 1974 (49 U.S.C. 1801 et. seq.) the MTB has encouraged the adoption of the Hazardous Materials Transportation Regulations (49 CFR Parts 170 to 179) by the States in order to promote uniformity in safety regulation throughout the nation. Certain areas of transportation safety demand a strong, predominant Federal role. In the HMTA's Declaration of Policy and in the Senate Committee language reporting out what became section 112 of the HMTA, Congress indicated a desire for uniform national standards in the field of hazardous materials transportation and, with the HMTA, gave the Department of Transportation the authority to promulgate those standards. Although the HMTA has not totally precluded State or local action in this area, it is the MTB's opinion that, to the extent possible, Congress intended to make such State or local action unnecessary.

It has come to the attention of the MTB that the adoption by individual States of the Hazardous Materials Transportation Regulations has created an anomalous situation in certain States for certain cargo tank owners and operators. DOT regulations require cargo tanks for LPG to be constructed in compliance with either DOT Specification MC-330 or MC-331. However, a number of cargo tanks not subject to DOT regulations (nor ICC regulations prior to 1967) have been constructed and used in intrastate commerce for many years. While they were manufactured in accordance with certain consensus standards and were otherwise qualified for use, they do not meet the standards now required in DOT regulations. The result of a State's adoption and enforcement of DOT regulations is to immediately require that all cargo tanks in that jurisdiction comply with DOT specifications without provision for an adequate transition period.

MTB also has been advised of a difficulty encountered by a carrier based in Nevada. For a number of years, this carrier operated only small cargo tank trucks (commonly referred to as "bobtails") in intrastate commerce. Due to a change in business conditions, it became necessary for the carrier to acquire a cargo tank semitrailer (meeting DOT requirements) for carriage of LGP from California to its base in Nevada. Upon entering interstate operations, all of the carrier's operation, including operation of the small cargo tanks, came under DOT jurisdiction. The MTB believes that appropriate relief should be provided to remedy a situation that may not be uncommon and believes the conditions proposed in this NPRM, in association with allowing use of non DOT specification cargo tanks, assure an adequate level of safety for the transportation of LPG in small cargo tanks during the transition period.

This proposal is limited in its applicability to intrastate commerce, including a cargo tank operated by a motor carrier that may operate other motor vehicles in interstate commerce.

The proposed revision would allow the continued use of a cargo tank for transportation of LP gas that is not marked according to Specification MC-330 or MC-331, provided it (1) is marked and conforms to the edition of the ASME Code in effect when it was manufactured; (2) has a minimum design pressure of 250 psig; (3) has a capacity of 3500 gallons or less; (4) was manufactured prior to January 1, 1981; (5) conforms to NFPA Pamphlet 58; (6) has been inspected and tested in accordance with § 173.33 as specified for Specification MC-330 or MC-331; and (7) it is operated in conformance with the regulations except the specification requirements.

The procedure proposed in this NPRM will allow the continued safe use of cargo tanks constructed in conformance with the ASME Code when a State upgrades its regulatory program by adopting the Hazardous Materials Transportation Regulations, as well as allowing continued use of such tanks for local shipments by interstate carriers. MTB has been advised by industry representatives that all new tanks are being manufactured in compliance with DOT specifications; therefore, new construction after January 1, 1981, is not covered by this NPRM.

It is also proposed to update the reference in § 171.7(d)(6) to Pamphlet 58 of the National Fire Protection Association since this is the edition currently available from that organization.

The MTB has determined that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities.

If this proposed regulation is not adopted, there will be a serious economic hardship on small LPG carriers because their nonspecification cargo tanks will no longer be authorized for transportation of LP gas in several States. New DOT specification tanks would have to be purchased and delivery to LPG customers would be severely disrupted.

In consideration of the foregoing, 49 CFR Part 171 and 173 would be amended to read as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.7, paragraph (d)(6) would be revised to read:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(6) NFPA Pamphlet No. 58 is titled, "Standard for the Storage and Handling of Liquefied Petroleum Gases," 1979 edition.

* * * * *

2. In § 173.315, Note 2 following the table and paragraph (k) would be revised to read:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

* * * * *

Note 1.—* * *

Note 2.—See § 173.32 for authority to use other portable tanks and for manifolding cargo tanks, see § 173.301(d).

* * * * *

(k) A nonspecification cargo tank meeting, and marked in conformance with the edition of the ASME Code in effect when it was fabricated may be used for the transportation of liquefied petroleum gas if it—

(1) Has a minimum design pressure of 250 psig;

(2) Has a capacity of 3,500 gallons or less;

(3) Was manufactured prior to January 1, 1981, as verified by its ASME certificate;

(4) Conforms to NFPA Pamphlet 58;

(5) Has been inspected and tested in accordance with § 173.33 as specified for Specification MC–330 or MC–331;

(6) Is operated exclusively in intrastate commerce, including its operation by a motor carrier otherwise engaged in interstate commerce; and

(7) Is operated in conformance with the other requirements of this subchapter (e.g. Part 172).

* * * * *

(49 U.S.C. 1803, 1804, 1808; (49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of Appendix A to Part 106))

Note.—The Materials Transportation Bureau has determined that this proposed regulation is not a major rule under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the Docket. I certify that this proposed regulation, if published as a final rule, will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C. on May 5, 1981.

Alan I. Roberts,

Associate Director for Office of Hazardous Regulation, Materials Transportation Bureau.

[FR Doc. 81-16424 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-60-M

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49 CFR Parts 172, 173, 175

[Docket No. HM–173; Notice No. 81–4]

Requirements for Transportation of Wet Electric Storage Batteries

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to simplify, clarify and otherwise improve those requirements of the Hazardous Materials Regulations that pertain to the transportation of wet electric storage batteries ("wet cell batteries"). Specifically, it proposes (1) a revision of requirements applicable to the air transport of wheelchairs equipped with wet cell batteries, in order to enhance air transport safety and facilitate the travel of handicapped persons who use wheelchairs; (2) new test criteria which effectively define the term "nonspillable" as applied to wet cell batteries; and (3) new shipping names to distinguish between acid and alkaline corrosive battery fluids in order to aid emergency response efforts and to simplify shipping names and make them consistent with international shipping descriptions.

DATE: Comments must be received by August 3, 1981.

ADDRESS: Comments must be addressed to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket (Docket HM–173) and be submitted in five copies. The Dockets Branch is located in room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Public dockets may be reviewed between the hours 8:30 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Edward T. Mazzullo, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 426–2075.

SUPPLEMENTARY INFORMATION: On February 28, 1980, the MTB published a notice (Docket HM–173; Notice 80–4) in the **Federal Register** (45 FR 13153) which announced two public meetings and requested public comment concerning the need for revising those Hazardous Materials Regulations (HMR) which are applicable to the transportation of wet electric storage batteries. Of particular concern was the development of standards for the safe transport on passenger-carrying aircraft of wheelchairs equipped with wet cell batteries. Proposals contained in this notice of proposed rulemaking are based on written comments received by the MTB, public input received at the two informal meetings (one on April 3, 1980, in Washington, DC, and the other on April 16, 1980, in Denver, Colorado) in response to Notice 80–4, and on the MTB's own rulemaking initiative. Specific proposals and background information are discussed by subject area in the following paragraphs.

I. Air transport of wheelchairs equipped with wet electric storage batteries (§§ 173.250, 175.10)

The HMR generally prohibit the carriage of wet cell batteries on passenger-carrying aircraft but there are two exceptions, in §§ 173.250(a) and 173.260(d), which permit their carriage when installed in self-propelled vehicles. Unfortunately, the provisions of these exceptions are not well known, are subject to misunderstanding and are considered inadequate with regard to achieving an acceptable level of safety. Inadequacies include lack of requirements with regard to packaging, hazard identification and carrier handling and operating procedures for battery equipped wheelchairs. Based on comments submitted in response to Notice 80–4, there is a need to prescribe requirements for securing batteries to wheelchairs, protecting them from short circuits, deactivating the wheelchairs and, in certain circumstances, for removing and packaging batteries separate from the wheelchairs. There also is a need for carrier operating requirements with regard to stowing wheelchairs in cargo compartments, stowing batteries away from other

incompatible hazardous materials, and notifying pilots as to the locations of wheelchairs on aircraft. Interested persons should refer to Notice 80–4 for a more detailed discussion of some of the problems and issues involved in the transportation on passenger-carrying aircraft of wheelchairs equipped with wet cell batteries.

There are several alternatives pertaining to the transport of wheelchairs which were discussed in Notice 80–4, but which have not been proposed herein because, based on comments received, they do not appear feasible. Briefly, they are:

1. *Battery housings.* Housings for batteries which are integral to wheelchairs, impervious to battery fluid and leaktight do not appear to be generally available at present.

2. *Nonspillable batteries.* It does not appear feasible, in terms of cost and energy efficiency, to require the use of nonspillable batteries at the present time. The MTB notes, however, that at least one battery manufacturer is in the process of marketing a nonspillable, gel-type, battery which may prove to be competitive with currently used "spillable" lead acid batteries.

3. *Additional packaging.* For batteries which remain installed in wheelchairs during transport, it may not be cost effective, or necessary from a safety standpoint, to prescribe packaging requirements. It would appear that if batteries are secured to wheelchairs and the wheelchairs are in turn secured upright in aircraft cargo compartments, then the risk of spillage of battery fluid is minimal. Under the stated conditions, adequate handling procedures may be all that are required in order to achieve an acceptable level of safety. Risks could be reduced further by use of spill-resistant vent caps, absorbent materials, taping fill caps or other means but these alternatives could be left to the discretion of shippers and carriers.

4. *Hazard Identification.* There does not appear to be a need, from a safety standpoint, to describe shipments involving wheelchairs on shipping papers. Further, due to the readily identifiable nature of a battery equipped wheelchair, requirements pertaining to hazard warning labels, orientation markings and shipping name markings appear necessary only in certain instances.

Several changes have been proposed in this notice to eliminate present misunderstandings and to achieve an improved level of safety regarding the transport of wheelchairs equipped with wet cell batteries. A new entry, "Battery, *electric storage,* wet, acid *or* alkaline, with wheelchair" would be added to the Hazardous Materials Table in § 172.101. Columns 5(a) and 5(b) would both reference §§ 173.250 and 175.10 as applicable sections for both packagings and exceptions. A "No limit" reference in column 6(a) would clarify that the units are permitted on passenger-carrying aircraft.

Section 173.250 would be revised for clarity. For other than transport on passenger-carrying aircraft, wet cell battery equipped wheelchairs would continue to be shipped subject to the minimal requirements of § 173.250 pertaining to securement and protection against short circuits. For transport on passenger-carrying aircraft, § 173.250 would reference § 175.10 as the applicable packaging section.

New requirements would be added in § 175.10 for transporting wheelchairs equipped with wet cell batteries on passenger-carrying aircraft. Wheelchairs equipped with nonspillable batteries would be transported subject only to requirements that the batteries be protected against short circuits and either be securely attached to the wheelchairs or be removed and boxed. This proposal represents a departure from requirements currently applicable to wheelchairs equipped with nonspillable batteries only to the extent that the batteries would not need to be boxed (or housed) if securely attached to wheelchairs.

For other than nonspillable batteries, it is proposed to permit batteries to be removed from wheelchairs to facilitate their shipment, but only on aircraft whose cargo compartment configurations cannot accommodate the upright loading or stowage of wheelchairs with batteries installed. In order to achieve an adequate level of safety, the batteries would be packaged in leaktight containers which have been rendered "tilt proof" either by securing them to pallets or by securing them upright in the cargo compartment using positive means of securement such as restraining straps. When so shipped, the outside containers would be marked to indicate upright orientation and with the shipping name "Battery, wet, acid *or* alkaline, with wheelchair" and would be labeled with CORROSIVE hazard warning labels. Use of absorbent material would be required as an inside packaging material. This proposal represents a relaxation of existing requirements which forbid the transport on passenger-carrying aircraft of "spillable" batteries, other than when such batteries remain installed in self-propelled vehicles. The change is believed necessary to facilitate the shipment of battery equipped wheelchairs in those situations where cargo compartment configurations do not permit upright loading and storage.

New provisions in § 175.33 would be added with regard to notifying the pilot-in-command, orally or in writing, as to the location on aircraft of any wheelchair equipped with batteries (other than nonspillable batteries). This is similar to existing provisions for other hazardous materials which require written notification to the pilot. Provisions in §§ 175.78 and 175.79 would forbid the stowage of batteries in a position which might allow contact with flammable solids, oxidizing materials or organic peroxides and would require that batteries be secured upright in cargo compartments. For aircraft cargo compartment configurations that can accommodate upright loading and storage, new handling procedures, contained in § 175.10, would require that bateries remain installed in the wheelchairs, be securely attached to them and be protected against short circuits. Batteries would be disconnected from drive motors to prevent accidental activation of wheelchairs during shipment. Wheelchairs would be secured upright in cargo compartments by appropriate means. So as not to alter air carrier baggage handling procedures or require costly modifications to cargo compartments, the proposed provisions would not prescribe the means by which wheelchairs would be secured upright.

It is intended that these proposed changes will clarify requirements applicable to wheelchairs equipped with wet cell batteries and will enhance the safety of transporting them. In turn, the changes should facilitate the mobility of wheelchair users in reducing the reluctance of certain air carriers and pilots to transport these items and by permitting wheelchairs to be carried in a manner which is not presently permitted (i.e., with batteries removed) on certain aircraft.

II. Defining "nonspillable" batteries (§§ 173.260(d), 175.10)

Electric storage batteries, which contain electrolyte or corrosive battery fluid and are "of the nonspillable type", are excepted by § 173.260(d) from all other regulatory requirements (such as packaging, labeling and description requirements) when the batteries are securely boxed and protected against short circuits. It has become apparent through reports of incidents, requests for interpretations and comments submitted to the MTB that there is a need to define the term "nonspillable" as that term is used in § 173.260.

In Notice 80–4 the MTB requested public comment pertaining to defining a nonspillable wet cell battery in terms of appropriate regulatory standards. The MTB suggested criteria for two tests, one involving vibration and the other involving altitude (pressure differentials). Commenters to the notice were generally supportive of the MTB's suggested criteria. It would appear that these tests are a reasonable reflection of the demands imposed on batteries under conditions normally incident to transportation. Therefore, the tests are proposed to be added in § 173.260(d) as defining criteria for nonspillable batteries essentially in the form suggested in Notice 80–4, but with some editorial revision for the purpose of clarification.

III. General revision of regulations applicable to wet electric storage batteries (§§ 172.101, 173.250)

A revision of proper shipping names in § 172.101 is proposed in order to distinguish, between acid and alkaline battery fluid for emergency response purposes and to simpify certain shipping names. For example, "Electrolyte (acid) battery fluid (*not over 47% acid*)" would become "Battery fluid, acid", and the terms "electric storage" would become optional in describing batteries. All shipping names for batteries and battery fluid would be located in one section of the Hazardous Materials Table. A new proper shipping name "Battery, *electric storage*, dry (*containing* potassium hydroxide, dry, *solid, flake, bead or granular*)" would be added to accommodate dry batteries containing dry potassium hydroxide, classed corrosive material. New shipping names would be added for batteries shipped with wheelchairs and for nonspillable batteries, in order to clarify requirements for those items. In addition, § 173.250 has been revised for clarity and to reference new provisions applicable to wheelchairs equipped with wet cell batteries.

These proposals do not represent the termination of MTB's review of regulations applicable to batteries. Additional changes, both substantive and editorial, may be proposed at a future date after the MTB completes its review.

In consideration of the foregoing, 49 CFR Parts 172, 173 and 175 would be amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. The Hazardous Materials Table in § 172.101 would be amended as follows:

(1) */A/W	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(3)(a) Identification Number	(4) Label(s) required (if not exempted)	(5) Packaging: (a) Exceptions	(5) Packaging: (b) Specific requirements	(6) Maximum net quantity in one package: (a) Passenger carrying aircraft or rail car	(6) Maximum net quantity in one package: (b) Cargo only aircraft	(7) Water shipments: (a) Cargo vessel	(7) Water shipments: (b) Passenger vessel	(c) Other requirement
	DELETIONS										
	Alkaline battery fluid	Corrosive material	NA2797	Corrosive	173.244	173.249, 177.257	1 Quart	5 gallons	1, 2	1, 2	
	Alkaline battery fluid with empty storage battery	Corrosive material	NA2797	Corrosive	None	173.258	Forbidden	5 pints	1, 2	1, 2	
	Battery charger with electrolyte (acid) *or* alkaline battery fluid.	Corrosive material	NA2794	Corrosive	None	173.259	Forbidden	5 pints	1, 2	1, 2	
	Battery, electric, storage, wet	Corrosive material	NA2794	Corrosive	173.260	173.260	Forbidden	No limit	1, 2	1, 2	
	Battery, electric, storage, wet with automobile, auto parts, engine (*or other specifically named mechanical apparatus*).	Corrosive material	NA2794	Corrosive	173.250	173.260	No limit	No limit	1, 2	1, 2	Keep dry.
	Battery, electric storage, wet, with containers of electrolyte (acid) *or* alkaline battery fluid.	Corrosive material	NA2794	Corrosive	None	173.258	Forbidden	2 gallons	1, 2	1, 2	
	Battery fluid. See Electrolyte (acid) *or Alkaline battery fluid.*										
	Electric storage battery, wet. *See* Battery, electric storage, wet.										
	Electrolyte (acid) *or* alkaline battery fluid, packed with dry-storage battery.	Corrosive material	NA2797	Corrosive	None	173.258	Forbidden	5 pints	1, 2	1, 2	
	Electrolyte (acid) *or alkaline battery fluid, packed with battery charger, radio current supply device, or* electronic equipment and actuating device.	Corrosive material	NA2797	Corrosive	None	173.259	Forbidden	5 pints	1, 2	1, 2	
	Electrolyte (acid) battery fluid (*not over 47% acid*)	Corrosive material	UN2796	Corrosive	173.244	173.257	1 quart	5 gallons	1, 2	1, 2	
	ADDITIONS										
	Alkaline battery fluid. *See* Battery fluid, alkaline										
	Alkaline battery fluid with *empty* storage battery. *See* Battery fluid, alkaline, with storage battery.										
	Battery charger with alkaline battery fluid. *See* Battery fluid, alkaline, with battery charger.										
	Battery charger with electrolyte (acid). *See* Battery fluid, acid, with battery charger.										
	Battery, dry (*containing potassium hydroxide, dry solid, flake, bead, or granular*).	Corrosive material	NA1813	Corrosive	173.244	173.245b	25 pounds	100 pounds	1, 2	1, 2	Keep dry.
	Battery, *electric storage*, wet, acid	Corrosive material	UN2794	Corrosive	173.260	173.260	Forbidden	No limit	1, 2	1, 2	
	Battery, *electric storage*, wet, acid *or* alkaline, with automobile, auto parts, engine (*or other specifically named mechanical apparatus*).	Corrosive material	NA2794	Corrosive	173.250	173.260	No limit	No limit	1, 2	1, 2	Keep dry.
	Battery, *electric storage*, wet, acid *or* alkaline, with wheelchair.	Corrosive material	NA2794	Corrosive	173.250, 175.10	173.250, 175.10	No limit	No limit	1, 2	1, 2	Keep dry.
	Battery, *electric storage, wet, acid or alkaline*, nonspillable.	Corrosive material	NA2794	None	173.260						
	Battery, *electric storage*, wet, alkaline	Corrosive material	UN2795	Corrosive	173.260	173.260	Forbidden	No limit	1, 2	1, 2	
	Battery fluid, acid	Corrosive material	UN2796	Corrosive	173.244	173.257	1 quart	5 gallons	1, 2	1, 2	
	Battery fluid, acid, with battery charger, radio current supply device, *or* electronic equipment and actuating device.	Corrosive material	UN2796	Corrosive	None	173.259	Forbidden	5 pints	1, 2	1, 2	
	Battery fluid, acid, with *electric storage* battery	Corrosive material	UN2796	Corrosive	None	173.258	Forbidden	5 pints	1, 2	1, 2	
	Battery fluid, alkaline	Corrosive material	UN2797	Corrosive	173.244	173.257	1 quart	5 gallons	1, 2	1, 2	
	Battery fluid alkaline, with battery charger, radio current supply device, *or* electronic equipment and actuating device.	Corrosive material	UN2797	Corrosive	None	173.259	Forbidden	5 pints	1, 2	1, 2	
	Battery fluid, alkaline, with *electric storage* battery	Corrosive material	UN2797	Corrosive	None	173.258	Forbidden	5 pints	1, 2	1, 2	
	Electric storage battery, wet, acid *or* alkaline. *See* Battery, *electric storage*, wet, acid *or* alkaline.										
	Electrolyte (acid) battery fluid (*not over 47% acid*). *See* Battery fluid, acid.										

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.250, paragraph (a) would be revised, paragraph (b) would be redesignated paragraph (d), and new paragraphs (b) and (c) would be added, as follows:

§ 173.250 Automobiles, other self-propelled vehicles, engines or other mechanical apparatus.

(a) Except as provided in paragraph (b) of this section, automobiles and other self-propelled vehicles equipped with wet electric storage batteries are excepted from all other requirements of this subchapter when shipped as prescribed in subparagraphs (1) or (2) of this paragraph, unless other hazardous materials are transported on the self-propelled vehicles, in which instance the regulations covering these other materials apply.

(1) When batteries are removed from the self-propelled vehicles and loaded in the transport vehicle therewith, the batteries must be so loaded, blocked and braced as to prevent short circuits, spillage of batery fluid or movement within the transport vehicle.

(2) When batteries are installed in self-propelled vehicles they must be completely protected against short circuits and so secured that spillage of battery fluid will not occur under conditions normal to transportation.

(b) For transportation by passenger-carrying aircraft, wheelchairs equipped with wet electric storage batteries must be shipped as prescribed in § 175.10 of this subchapter.

(c) When wet electric storage batteries or batteries packed in containers with battery fluid are shipped as part of carload or truckload shipments of automobile parts or assembly materials, they are subject to no other requirements of this subchapter when the batteries and battery fluid are boxed or crated and so loaded, blocked and braced as to prevent short circuits of the batteries, spillage of battery fluid and movement of the materials in the transport vehicle under conditions normal to transportation. When other hazardous materials are included in the shipments, the regulations covering these other materials apply.

* * * * *

3. In § 173.260, paragraph (d) would be revised to read as follows:

§ 173.260 Electric storage batteries, wet.

* * * * *

(d) Nonspillable wet electric storage batteries capable of withstanding the tests prescribed in (1) and (2) of this paragraph without leakage of battery fluid are excepted from all other requirements of this subchapter when protected against short circuits and securely packaged so as to withstand conditions normal to transportation.

(1) *Vibration test.* Battery is rigidly clamped to the platform of a vibration machine and a simple harmonic motion having an amplitude of 0.03 inches (0.06 inches maximum total excursion) is applied. The frequency is varied at the rate of one cycle per second per minute betwen the limits of 10 to 55 cycles per second. The entire range of frequencies and return is traversed in 95±5 minutes for each mounting position (direction of vibration) of the battery. The battery must be vibrated in three mutually perpendicular directions, one of which must be with the terminal face of the battery inverted, for equal time periods.

(2) *Pressure differential test.* Following the vibration test, the battery is stored for six hours at 78°F. ± 7°F. under an external partial pressure of 2 pounds per square inch absolute. The battery must be tested in three mutually perpendicular positions, one of which must be with the terminal face of the battery inverted, for at least six hours in each position.

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

4. In § 175.10, paragraph (b) would be added to read as follows:

§ 175.10 Exceptions.

* * * * *

(b) Wheelchairs equipped with wet electric storage batteries may be carried in cargo compartments on passenger-carrying aircraft when transported in accordance with the provisions of (1), (2) and (3) of this paragraph. Shipments are subject to no other requirements of this subchapter except those requirements in §§ 175.33, 175.78 and 175.79 which are applicable to batteries.

(1) Wheelchairs equipped with batteries of a nonspillable type, as defined in § 173.260(d) of this subchapter, may be transported subject to no other requirements of this subchapter provided the batteries are:

(i) Protected against short circuits, and

(ii) Securely attached to the wheelchairs or removed and boxed.

(2) For carriage on aircraft in cargo compartments which can accommodate upright loading and stowage of wheelchairs, the wheelchairs must be transported as follows:

(i) Batteries must remain installed on wheelchairs, be securely attached to them, and terminals must be protected against short circuits;

(ii) Wheelchairs must be deactivated by removing connections at battery terminals or by otherwise disconnecting the power source, and

(iii) Wheelchairs must be secured upright in cargo compartments.

(3) For carriage on aircraft in cargo compartments which cannot accommodate upright loading or storage of wheelchairs, batteries may be removed from wheelchairs and carried in strong outside containers, as follows:

(i) Outside containers must be leaktight, impervious to battery fluid, and rendered tilt proof by securing to pallets or by securing in cargo compartments using restraining straps, brackets, or holders;

(ii) Batteries must be protected against short circuits, secured upright in the outside containers and surrounded by absorbent material sufficient to absorb their total liquid contents, and

(iii) Outside containers must be marked to indicate proper orientation, be marked "Battery, wet, with wheelchair", and be labeled with CORROSIVE labels (§ 172.442 of this subchapter).

Note.—It is recommended that batteries which are not nonspillable be fitted with spill resistant vent caps when feasible.

4. In § 175.33, paragraph (b) would be added to read as follows:

§ 175.33 Notification of pilot-in-command.

* * * * *

(b) When wheelchairs equipped with wet electric storage batteries, other than nonspillable batteries, are transported under the provisions of § 175.10(b)(2) or (b)(3) of this subchapter, the pilot-in-command shall be notified before takeoff as to their location in the aircraft.

5. In § 175.78, paragraph (a) would be revised to read as follows:

§ 175.78 Stowage compatibility of cargo.

(a) No person may stow a package, or a wet electric storage battery other than a nonspillable battery, containing a corrosive material on an aircraft next to or in a position that will allow contact with a package of flammable solids, oxidizing materials, or organic peroxides.

* * * * *

6. § 175.79 would be revised to read as follows:

§ 175.79 Orientation of cargo.

(a) A package, or a wet electric storage battery other than a nonspillable battery, containing hazardous materials and marked "THIS SIDE UP", "THIS END UP", or with arrows to indicate proper orientation, must be loaded and stored aboard an aircraft in accordance with such markings and secured in a

manner that will prevent any movement that would change the orientation of the package or battery.

(b) A package, or a wet electric storage battery other than a nonspillable battery, containing liquid hazardous material and not marked as indicated in paragraph (a) of this section must be loaded and stored with closures up and secured as prescribed in paragraph (a) of this section.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of App. A Part 106.)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and DOT procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.). Based on limited information available concerning size and nature of entities likely to be affected by this proposal, I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposal will not affect not-for-profit enterprises or small governmental jurisdictions. Small businesses potentially affected include air carriers and storage battery manufacturers and shippers. The economic impact on such small entities will be minimal. A regulatory evaluation and environmental assessment are available for review in the Docket.

Issued in Washington, D.C., on May 29, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-16670 Filed 6-3-81; 8:45 am]

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49 CFR Parts 172, 173 and 178

[Docket HM-139-D; Notice 81-3]

Conversion of Individual Exemptions Into Regulation of General Applicability

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations.

Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe. In addition, these proposed changes would eliminate the need for recordkeeping by the exemption holder(s); eliminate the need for marking the exemption number on the package and shipping paper(s), and, eliminate the need for MTB to receive, review, docket, evaluate, and issue a renewal of the exemption every two years.

DATE: Comments must be received on or before July 20, 1981.

ADDRESS: Send comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 Seventh Street, SW, Washington, D.C. 20590. (202-472-2726).

SUPPLEMENTARY INFORMATION: Each of the proposed amendments described in the following table is founded upon either: (1) Actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application for an exemption. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

These proposals would not significantly affect the cost of regulatory enforcement, nor would additional costs be imposed on the private sector, consumer, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of shipments under the identified exemptions demonstrates that significant environmental impacts would not result from any of the proposals. Adoption of an amendment derived from an existing exemption would obviate the need for that exemption and effectively terminate it. Upon such termination, the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals, each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on the proposals may wish to address both the proposed amendment and the exemption application.

Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

The MTB has determined that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities.

This proposal will not affect not-for-profit enterprises, or small governmental jurisdictions.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption of application	Proposed amendment
DOT-E 5520	Pennwalt Corp., Amchem Products.	§ 173.245(a), § 173.256(a). See E-8444 for proposed change to § 173.256.	Authorizes shipments of Compound, cleaning liquid; Compound cleaning liquid (containing hydrofluoric acid); Compound, lacquer, paint or varnish removing, liquid; Compound, rust preventing, and Compound, rust removing in a DOT Specification 57 steel portable tank. Tanks constructed of material other than stainless steel must have a polyethylene liner. (Modes 1, 2, 3).	To add paragraph (38) to § 173.245 to read as follows: (38) Specification 57 (§ 178.253 of this subchapter). Metal portable tank. Authorized only for Acetic acid, glacial; Compound, cleaning liquid; Compound, lacquer, paint, *or* varnish removing, liquid; Compound, rust preventing *or* Compound, rust removing; and Phosphoric acid not exceeding 85 percent strength. Tanks constructed of a material other than stainless steel must have a polyethylene liner impervious to the solution.
DOT-E 6618	Fenwal Inc	§§ 173.301(k), 178.51-2, 178.51-10, 178.51-12, 178.51-13, 178.51-19.	To manufacture mark and sell a non-DOT specification spherical, steel pressure vessel manufactured in compliance with DOT Specification 4BA with certain exceptions for the shipment of certain hazardous and non-hazardous materials pressurized with nitrogen not to exceed 360 psig at 70° F. (Modes 1, 2, 3, 4, 5).	To revise paragraph § 173.301(k) by adding 4BA spherical type cylinders and by revising §§ 178.51-2, 178.51-10, 178.51-12, 178.51-13, and 178.51-19 to read: (k) *Outside packagings.* Specification 2P, 2Q, 3E, 3HT, 4BA spherical type, 4D, 4DA, 4DS, 9 [1], 39, 40 [1] and 41 [1] must be shipped in strong outside packagings or securely mounted on pallets to provide protection for the cylinders and any attachments to the cylinders. * * * **§ 178.51-2 Type, size, and service pressure.** (a) *Type.* Cylinders may be spherical or cylinderical in shape. Closures made by the spinning process are not authorized. (1) Spherical type cylinders must be made from two seamless hemispheres joined by the welding of one circumferential seam. (2) Cylindrical type cylinders must be of welded or brazed construction. (b) *Size.* The capacity of the cylinder must be 1,000 pounds water capacity or less. (c) *Service pressure.* The service pressure must be at least 225 and not over 500 pounds per square inch gauge. * * * **§ 178.51-10 Wall thickness.** (a) * * * (b) Cylinders that are cylindrical in shape must have the wall stress calculated by the formula: $S = [P(1.3D^2 + 0.4d^2)]/(D^2 - d^2)$ Where: S = Wall stress in pounds per square inch; P = minimum test pressure prescribed for water jacket test; D = outside diameter in inches; d = inside diameter in inches. (c) Cylinders that are spherical in shape must have the wall stress calculated by the formula: $S = PD/4tE$ where: S = wall stress in pounds per square inch; P = test pressure prescribed for water jacket test, i.e., at least 2 times service pressure, in pounds per square inch; D = outside diameter in inches; t = minimum wall thickness in inches; E = 0.85 (provides 85 percent weld efficiency factor which must be applied in the girth weld area and heat affected zones which zone shall extend a distance of 6 times wall thickness from center line of weld); E = 1.0 (for all other areas). (d) For cylinders with wall thickness less than 0.100 inch, the ratio of tangential length to outside diameter shall not exceed 4.0. * * * **§ 178.51-12 Openings in cylinders.** (a) Any opening must be placed on other than a cylindrical surface. (b) Each opening in a spherical type cylinder must be provided with a fitting, boss, or pad of weldable steel securely attached to the container by fusion welding. (c) Each opening in a cylindrical type cylinder must be provided with a fitting, boss, or pad, securely attached to container by brazing or by welding or by threads. If threads are used, they must comply with the following: (1) Threads must be clean-cut, even, without checks and tapped to gauge. (2) Taper threads to be of length not less than as specified for American Standard taper pipe threads. (3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage. * * * **§ 178.51-13 Pressure relief devices and protection for valves, safety devices, and other connections, if applied.** (a) Must be as required by the Department of Transportation's regulations that apply (see §§ 173.34(d), 173.124(a), 173.301(g), and 173.301(k) of this chapter. * * *

Exemption No.	Applicant holder	Regulation affected	Nature of exemption of application	Proposed amendment
(a) * * *				**§ 178.51–19 Marking.** (b) * * * (c) Location of markings. Markings may be stamped plainly and permanently in the following locations on the cylinder: (1) Cylindrical type cylinder. (i) On shoulders and top heads not less than 0.087 inch thick. (ii) On side wall adjacent to top head for side walls not less than 0.090 inch thick. (iii) On a cylindrical portion of the shell which extends beyond the recessed bottom of the cylinder constituting an integral and nonpressure part of the cylinder. (iv) On a plate attached to the top of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must be at least 1/16 inch thick and must be attached by welding, or by brazing at a temperature of at least 1100° F., throughout all edges of the plate. * * *
DOT-E 6798	Allied Chemical Koppers Co.	§ 173.164(a)	Authorizes shipments of Chromic acid, solid in a DOT Specification 56 steel portable tank. Referenced exemption also authorizes the use of a non-specification portable tank "Invert-A-Bin." This proposed change would not eliminate the need for DOT-E 6798 for the non-specification tanks. (Modes 1 and 2).	To add paragraph (7) to § 173.164 to read as follows: (7) Specification 56 (§ 178.252 of this subchapter). Steel portable tank.
DOT-E 8809	H. J. Baker & Bros., Inc.,	§ 173.182(b)(6)(ii)	Authorizes shipments of Potassium nitrate in the same type of bag as authorized for ammonium nitrate (no organic coating) and ammonium nitrate fertilizer. (Modes 1 and 3).	To amend the last sentence of paragraph (b)(6)(ii) in § 173.182 to read as follows: (ii) * * * Authorized only for ammonium nitrate (no organic coating), ammonium nitrate fertilizer, and potassium nitrate; or * * *
DOT-E 7423	Dow Chemical, Reade Mfg. Co. Inc., Rossborough Mfg. Co., NL Industries, Inc., Armco, Inc.	§§ 172.101, 173.154, 173.220(b)(2), 176.76(g)(5).	Authorizes shipments of Magnesium powder, magnesium aluminum alloy powder, and magnesium salt coated granules, water reactive, in DOT Specification 56 aluminum portable tanks. For Magnesium, salt coated granules the MTB proposes to add a new Table entry in § 172.101 which would authorize the same packaging as prescribed for Calcium carbide. (Modes 1, 2 and 3).	To amend column (2) of the Table entry in § 172.101 for Magnesium metal (*powdered, pellets, fumings, or ribbons*) by adding Magnesium-aluminum powder at the end of the present entry. Also, magnesium aluminum powder would be added at the end of the heading in § 173.220 and included in the introductory text of § 173.220(b) and § 173.220(b)(2). Magnesium, granules, coated, would be added to the heading in § 173.178 and to the Table in § 172.101 to read as follows:

Section 172.101 Hazardous Materials Table

(1)* +/ E/A/W/	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(3A) Identification number	(4) Label(s) required (if not excepted)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
					(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	(Add)										
	Magnesium granules, coated, *partical size not less than 149 microns.*	Flammable solid	UN2950	Flammable solid and Dangerous when wet.	None	§ 173.178	25 pounds	100 pounds	1,2	1,2	Segregation same as for flammable solids labeled Dangerous when wet.
	Calcium silicon (*powder*)	Flammable solid	UN1406	Flammable solid and Dangerous when wet.	§ 173.153	§ 173.178	Forbidden	25 pounds	1,2	4	Segregation same as for flammable solids labeled Dangerous when wet.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption of application	Proposed amendement
DOT-E 7528	Central Steel	§ 178.118–10(a)	Authorizes the use of a formerly all 16 gauge, 55-gallon capacity, "Sterilpac" type tight head steel drum coverted to fully comply with DOT Specification 17H except that the markings precribed in 49 CFR § 178.118–10(a) may be embossed on the body of the drum, no more than six inches from top crul. use of drum is limited to those classes of materials identified in 49 CFR § 178.28(m). (Modes 1,2,3,4).	To revise the introductory text of paragraph (a) to § 178.118–10 to read as follows: (a) Marking on drums which have been converted to Specification 17H from an all 18-gauge tight head drum may be embossed on the body of the drum, no more than six inches from top curl; by marking each drum by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows: * * *
DOT-E 8105	Active Steel Drum Co.			
DOT-E 8253	Allied Drum Service, Inc.			
DOT-E 8260	Bayonne Barrel & Drum Co.			
DOT-E 8340	Columbus Steel Drum Co.			
DOT-E 8341	Pacific Coast Drum Co.			
DOT-E 8342	Great Lakes Container Corp.			
DOT-E 8447	Queen City Barrel Co.			
DOT-E 8449	Tri-State Steel Drum Co.			
DOT-E 8534	Consolidated Container Corp.			
8601–N	Acme Barrel			
8608–N	Feldman Barrel & Drum			
8615–N	Harbison Brother, Inc.			
8616–N	Hyman Drum & Barrel Corp.			
8617–N	Western N.Y. Barrel & Drum,. Co. Inc.			
DOT-E 7622	E.I. DuPont	§ 173.365	Authorizes shipments of p-nitrobenzyl bromide (Alpha-Bromo-4-Nitro-toluene) a Poison B, Solid, n.o.s., in DOT Specification 56 portable tanks with non-sifting closures in truckload lots. (Mode 1).	To revise paragraph (a)(11) of § 173.375 to read as follows: (11) Specification 56(§ 178.252 of this subchapter). Metal portable tank with sift-proof closures. Authorized only for p-nitrobenzyl bromide.
DOT-E 7658	Spectro Industries Inc.	§ 173.505(b)	Authorizes the shipment of Consumer commodities, ORM-D by private and contract motor carriers in a corrugated fiberboard tray covered by a heat shrinkable polyethylene film. HM-139C on July 10, 1980 made a change to §§ 172.101 and 173.505(b) based on an exemption request (8276–N) which also eliminated the need for E-7658 except for shipments by contract carriers. (Mode 1).	To revise § 173.505(b) to read: (b) Strong outside packagings as specified in § 173.1200 of this subchapter are not required for materials classed as ORM-D when utilized in cases, carts or similar overpacks and when shipped by a private or contract motor carrier from a distribution center to a retail outlet.
DOT-E 7869	Oxy Metal Industries Corp.	§ 173.245	Authorizes shipments of Compound, rust preventing (contained nitric acid, 19% maximum) and phosphoric acid (40% maximum) in DOT Specification 57 portable tanks, fabricated of Type 316 stainless steel. (Mode 1).	See proposed change for E–5520 above.
DOT-E 8087	Union Carbide	§ 173.154	Authorizes shipments of a Water reactive solid, n.o.s. identified as a catalyst M–1 material, classed as a flammable solid and silver oxide classed as an oxidizing material in a DOT Spec. 56 portable tank. (Mode 1).	To revise paragraph (a)(5) of § 173.154 to read as follows: (5) Specification 56 (§ 178.252 of this subchapter). Metal portable tank. Authorized only for silver oxide.
DOT-E 8121	Republic Steel Corp.	§ 173.245(a)	Authorizes shipments of Compound, cleaning liquid (containing 50% maximum phosphoric acid) and a nonhazardous material in DOT Spec. 57 portable tanks haveing a sump bottom outlet. (Mode 1).	See proposed changes for E 5520 above.
DOT-E 8136	Eastman Kodak Co.	§§ 173.245, 173.277	Authorizes shipments of 15% sodium hypochlorite solution, acetic acid glacial, or phosphoric acid solution in DOT Spec. 57 portable tanks made of 316 stainless steel. (Phosphoric solution not to exceed 85% strength.) (Mode 1).	To revise paragraph (c) of § 173.277 to read as follows: (c) Specification 57 (§ 178.253 of this subchapter). Stainless steel portable tank.
DOT-E 8146	Thiokol Corp. Rocket Research Co.	§ 173.375	Authorizes shipments of Sodium azide, powder in DOT Specification 56 stainless steel portable tanks and a non-DOT specification collapsible flexible container described as Super Sack. This proposed change pertains only to the Specifications 56 portable tank. No part of the tank or fittings that come in contact with the azide may have copper, lead or mercury other metals known to react with sodium azide. Tanks may be equipped with a bottom clean out plug. Top loading and unloading only. (Modes 1 and 2).	To add paragraph (3) to § 173.375(a) to read as follows: (3) Specification 56 (§ 178.252 of this subchapter). Stainless steel portable tank designed for top loading and unloading only. Tanks may be equipped with a bottom clean out plug. No part of the tank or fittings that come in contact with the sodium azide may contain any metal such as copper, lead, silver or mercury which can form explosive azide compounds. Each transport vehicle must be loaded by the consignor and unloaded by the consignee or by persons trained by the consignor. Not authorized for transportation by water.
DOT-E 8332	Drew Chemical	§ *73.276	Authorizes shipments of Hydrazine, aqueous solution, rust preventing compound and liquid cleaning compounds in steel or stainless steel DOT Specification 57 portable tanks having a maximum capacity of 420 gallons and designed to carry commodities having a specific gravity of 1.65 maximum. Hydrazine must be transported in stainless steel tanks only. (Modes 1,2).	To add paragraph (12) to §173.276(a) to read as follows: (12) Specification 57 (§ 178.253 of this subchapter). Stainless steel portable tank. Authorized for hydrazine, aqueous solution only.
DOT-E 8336	Dow Chemical Co.	§ 173.357(b)(3)	Authorizes the shipment of Chloropicrin mixture (*containing no compressed gas or Poison A liquid*) in DOT Specification 17C steel drums of 55-gallon capacity. (Modes 1,2,3)	To amend § 173.357(b)(3) by increasing the capacity of the Specification 17C drum from 30 gallons to 55 gallons.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption of application	Proposed amendement
DOT-E 8347	Fabricated Metals Inc	§§ 173.119(b), 173.128(a)(3), 173.132(a)(2).	Authorizes shipments of corrosion inhibitor C-158, emulsion, breaker E-9, silicone antifoam liquid SAG 5310, methanol and combustible liquids in DOT Specification 57 steel or stainless portable tanks having a design pressure of not less than 9 psig and a capacity between 260 and 520 gallons. (Mode 3).	To revise paragraph (6) of § 173.119(b) to read as follows: (6) Specification 57 (§ 178.253 of this subchapter). Steel portable tank. Also, authorized for transportation by water when having a minimum design pressure of 9 psig and equipped in accordance with § 178.253-4, but no device may open at less than 5 psig. Authorized for liquids with flash points above 20°F. and a vapor pressure not over 16 psia at 100°F. To revise paragraph (3) of § 173.128(a) to read as follows: (3) Specification 52,[1] or 57 (§ 178.253 of this subchapter). Metal portable tank. Not authorized for transportation by water except as prescribed in § 173.119(b)(6) of this subchapter. To revise paragraph (2) of § 173.132(a) to read as follows: (2) Specification 52,[1] or 57 (§ 178.253 of this subchapter). Metal portable tank. Not authorized for transportation by water except as prescribed in § 173.119(b)(6) of this subchapter.
DOT-E 8351	DuBois Chemical Co	§ 173.245	Authorizes shipments of solutions containing sodium or potassium hydroxide or solutions containing phosphoric acid in DOT Specification 57 stainless steel portable tanks having a capacity of 330 gallons. (Mode 1).	See proposed change for E-5520.
DOT-E 8434	Union Carbide	§§ 173.154, 173.178	Authorizes shipments of calcium silicon powder as a water reactive solid, n.o.s. in packaging precribed in 49 CFR § 173.178. (Modes 1 and 2).	To add Calcium silicon powder to the Table in § 172.101 and to the heading in § 173.178.
8613-N	Chemical Express Co	§ 173.131(a)(2)	Requested an exemption to lower the flash point of road asphalt, or tar, liquid, from 73°F. to 50°F. (Mode 1).	To revise paragraph (a)(20 of § 173.131 to read as follows: (2) In cargo tanks that are at least equivalent in design and construction to Specification MC-306 (§§ 178.340, 178.341 of this subchapter) except for the requirments of §§ 178.340-10, 178.341-3, 178.341-4, and 178.341-5.
DOT-E 8384	Oakite Products, Inc	§ 173.256	Authorizes shipments of Compounds, cleaning, liquid containing not more than 20 percent hydrofluoric acid in DOT Specification 57 steel portable tanks of not more than 330-gallon capacity having a polyethylene liner. Bottom discharge outlets, piping and venting devices are prohibited. (Mode 1).	To revise § 173.256 by adding paragraph (b) to read as follows: (b) Compounds, cleaning, liquid containing not more than 20 percent hydrofluoric acid, by weight, may also be shippped in specification containers as follows:
DOT-E 8444	DuBois Chemical	§ 173.256		(1) Specification 57 (§ 178.253 of this subchapter). Metal portable tank. Tanks constructed of a material other than stainless steel must have a polyethylene liner impervious to the solution.

(49 U.S.C. 1803, 1804, 1808; (49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of Appendix A to Part 106))

Note.—The Materials Transportation Bureau has determined that this proposed regulation is not a major rule under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the Docket. I certify that this proposed regulation if published as a final rule, will not have a signifcant economic impact on a substantial number of small entities.

Issued in Washington, D.C. on May 29, 1981.

Alan I. Roberts,

Associate Director for Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-16671 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-60-M

Notices

Federal Register
Vol. 46, No. 107
Thursday, June 4, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Intermountain Region, Caribou National Forest Grazing Advisory Board Committee; Meeting

The Caribou National Forest Grazing Advisory Board Committee will meet at 9:00 a.m., July 9, 1981, at the parking lot of the community swimming pool in Lava Hot Springs, Idaho. After a short meeting, a tour of the Pebble-Toponce area on the Pocatello Ranger District will follow.

The purpose of this meeting and field trip is to secure recommendations for use of range betterment funds and grazing allotment plans.

The meeting will be open to the public. Persons who wish to attend should notify Frank G. Beitia, Caribou Supervisor's Office, telephone 208–236–6705. Written statements will be filed with the Board before or after the meeting.

The Board has established the following rule for public participation: Non-livestock owners are asked to withhold comments until the close of business and then submit their comments to the Chairman of the Board.

Dated: May 27, 1981.

Frank G. Beitia,

Acting Forest Supervisor.

[FR Doc. 81–16650 Filed 6–3–81; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

Ferrochrome From South Africa; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On April 27, 1981, the Department of Commerce published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" with respect to ferrochrome from South Africa. The notice stated that the Department had preliminarily determined that this merchandise did not benefit from a net subsidy from January 1, 1981 through April 10, 1981. Interested parties were given an opportunity to present written or oral comments. The Department did not receive any comments. Therefore, the Department determines that ferrochrome from South Africa did not benefit from a net subsidy for that period.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 9, 1981 a notice of "Countervailing Duty Order" was published in the **Federal Register** (46 FR 21155). The Order, which was effective March 11, 1981, stated that, based on an order of the Court of International Trade, the Department of Commerce ("the Department") had detemined that exports of ferrochrome from the Republic of South Africa were provided bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports of ferrochrome into the United States from the Republic of South Africa were subject to countervailing duties. The Department suspended liquidation and required a cash deposit of estimated countervailing duties of 4 percent of the f.o.b. invoice price of the merchandise. The Order included a notice of intent to conduct an administrative review of this Order as required by the court and by section 751 of the Tariff Act. On April 27, 1981 the Department published a notice of the preliminary results of that review (46 FR 23512).

Scope of Review

The ferrochrome covered by this review is currently classifiable under item numbers 606.22, 606.24 and 923.18 of the Tariff Schedules of the United States. The program cited by our Order as constituting a bounty or grant is the charging by South African Railways and Harbours of preferential railroad freight rates upon shipments of ferrochrome for export from the Republic of South Africa. This review covers the period January 1, 1981, the effective date of South African Railways' suspension of its freight rate differential for ferrochrome shipments, through April 10, 1981, the date the Department began its verification process.

Analysis of Program

The Department received official inforamtion from the Republic of South Africa that South African Railways and Harbours had terminated the railroad freight rate differential between shipments of ferrochrome destined for foreign and domestic markets. This termination was made effective January 1, 1981. This information has been verified by a review of the official documents of South African Railways and Harbours.

Final Results of the Review

As a result of this review, we determine that ferrochrome from the Republic of South Africa has not benefitted from a bounty or grant (net subsidy) for the period under consideration. Therefore, the Department will instruct Customs officers to liquidate all unliquidated entries of this merchandise exported on or after January 1, 1981 and entered, or withdrawn from warehouse, for consumption on or after March 11, 1981 through April 10, 1981 without regard to countervailing duties. Further, we will instruct the Customs Service not to require the deposit of estimated countervailing duties on shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of final results of this review. The suspension of liquidation shall remain in effect for entries entered on or after April 11, 1981, until the publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 2, 1981.

[FR Doc. 81-16816 Filed 6-4-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notification of claims pursuant to Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (Title IV). Notification 3–81.

SUMMARY: 50 CFR 296.8 requires that the Chief, Financial Services Division (FSD), publish in the **Federal Register** a notice of claims received under the Title IV Program. Any interested person may, on or before July 6, 1981, submit to the Chief, FSD, National Marine Fisheries Service (NMFS), evidence concerning the claim or a request to be admitted as a party to any hearing concerning the claim.

IMPORTANT DATE: Any evidence concerningany claim described in this Notice, and any request to be admitted as a party to any hearing concerning any such claim, must be submitted, in writing, to the Chief, FSD, on or before July 6, 1981.

ADDRESS: Send evidence and any request to be admitted as a party to any hearing to: Mr. Michael L. Grable, Chief, Financial Services Division, Attention: Kathryn Hensley, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Washington, D.C. 20235 (telephone 202 634–4688).

SUPPLEMENTARY INFORMATION: Title IV establishes a Fishermen's Contingency Fund (FCF) to compensate fishermen for eligible claims for actual and consequential damages, including lost profits, due to damages to, or loss of fishing vessels or fishing gear by items associated with oil and gas exploration, development, or production on the Outer Continental Shelf (OCS). Title IV regulations require the publication in the **Federal Register** of a notice of each claim submitted (see 50 CFR 296.8(a)(l)(iii)). Each **Federal Register** notice published shall contain the following information: (a) a brief statement of the nature and dollar amount of the claim, and the location where the damage or loss occurred; (b) a statement that the Chief, FSD, may seek a proposed settlement agreement under 50 CFR 296.8(c); and (c) a statement that an interested person or any other person may, on or before July 6, 1981 submit to the Chief, FSD, any evidence concerning either the claim or a proposed settlement agreement.

50 CFR 296.8(a)(3)(i) provides that any interested person may submit evidence at any hearing concerning a claim in accordance with 50 CFR 296.10(d), or on any proposed settlement under 50 CFR 296.8(c). Any person who intends to submit evidence must notify the Chief, FSD, NMFS, in writing, describing specifically the evidence to be submitted on or before July 6, 1981.

Any interested person may request to be admitted as a party to any hearing which is conducted concerning the claim. Such request must be filed with the Chief, FSD, in writing, not later than 30 days after publication of the notice of claim in the **Federal Register** Such request will be ruled on by the Administrative Law Judge (ALJ).

50 CFR 296.8(c) provides that the Chief, FSD, may contact a claimant and negotiate a proposed settlement of the claim. If the claimant agrees to a proposed settlement, the Chief, FSD, will, no sooner than 30 days after publication of the notice of the claim in the **Federal Register,** forward the proposed settlement agreement to the General Counsel, NOAA. The Chief, FSD, may also forward to the General Counsel, NOAA, an agency recommendation concerning the claim. Such recommendation may be, among other things, to: (i) approve the claim, (ii) approve a proposed settlement of the claim, or (iii) deny the claim.

If the recommendation is to deny the claim, the General Counsel, NOAA, will promptly refer it to the ALJ for adjudication. If the recommendation is to approve the claim or for a proposed settlement, the General Counsel will publish a notice of the recommendation in the **Federal Register.** Not sooner than 15 days after that notice is published, the General Counsel will send to the ALJ the claim, the Agency recommendation, any request by an interested person to submit evidence or to be admitted as a party to any hearing, and any request that an oral hearing be conducted concerning the claim. The ALJ will then adjudicate the case.

The following claim published in **Federal Register** notification 4–80 (FR Doc. 8027667 at page 58180) in error is hereby corrected: FCF–29–80 Locational coordinate should be 28°42.9'N 92°10.8'W instead of 27°20.2'W 97°09.9'W.

The following claims have been received.

Claim No.	Nature of loss and location	Amount
FCF–75–79	On 8/26/79 claimant lost a 65' net, shark gear, plastic false tail, easy line, and 1 day fishing time while trawling for shrimp at the following coordinated: 28°33.5' N 90°36.0' W.	[1] $1,789.01 [2] 1,596.00 [3] 13.87
	Total	3,398.88
FCF–03–79	On 9/2/80 claimant lost 3 40' nets, tickler chains, lazy lines, 2-pair 9' x 40' doors, sled, set of 1/16 x 50 fathom bridles, and 5 days fishing time while trawling for shrimp at the following coordinates: 29°03.9' N 93°43.1' W.	[1] $4,224.00 [2] 7,850.00 [3] 204.00
	Total	12,278.00
FCF–05–81	On 10/20/80 claimant lost nets, bridles, dummy doors, pair of 8' x 40" doors, chain, rope, floats, leads and 4 days fishinig time while trawling for shrimp at the following coordinates: 27°33.1' N 96°51.1' W.	[1] $6,422.96 [2] 3,335.00 [3] 172.00
	Total	9,929.96
FCF–09–81	On 10/26/80 claimant lost a trawl board, dummy board, tickler chain, nuts shackles, thimbles, nets, and 5 days fishing time while trawling for shrimp at the following coordinates: 29°16.4' N 94°29.8' W.	[1] $1,444.46 [2] 5,000.00 [3] 0
	Total	6,444.46
FCF–10–81	On 8/18/80 claimant lost a net, bag, cables, chain shaffing gear, and 5½ hours fishing time while trawling for shrimp at the following coordinates: 29°04.0' N 93°29.7' W.	[1] $1,245.93 [2] 500.00 [3] 0
	Total	1,745.93
FCF–16–81	On 11/10/79 claimant lost 2 35' nets, 2 tickler chains, shackles, lazy line, bag ties, sled, legs and 1 pair 8' x 40' doors while trawling for shrimp at the following coordinates: 28°40.3' N 91°25.8' W.	[1] $3,256.83 [2] 0 [3] 0
	Total	3,256.83

[1] Gear loss.
[2] Economic loss.
[3] Consequential loss.

Anyone wishing to submit evidence concerning any of these claims, or to become a party to any hearing, must contact, in writing, Mr. Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235, on or before July 6, 1981 (telephone (202) 634–4688).

Dated: May 28, 1981.

Robert K. Crowell

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-16688 Filed 6-3-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Restraint Level for Certain Cotton Textile Products From Pakistan; Announcement of an Increase

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the consultation level for other cotton apparel products in category 359, produced or manufactured in Pakistan and exported during the eighteen-month period which began on January 1, 1981.

[A detailed description of the textile categories in terms of TSUSA numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), and May 5, 1981 (46 FR 25121)].

SUMMARY: Under the terms of the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, agreement has been reached to increase the consultation level for cotton textile products in Category 359 from 400,109 pounds to 1,052,283 pounds during the agreement period which began on January 1, 1981 and extends through June 30, 1982.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 24, 1980 there was published in the Federal Register (45 FR 85140) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton textile products, including Category 359, produced or manufactured in Pakistan and exported to the United States during the eighteen-month period which began on January 1, 1981 and extending through June 30, 1982. In accordance with the terms of the bilateral agreement the United States Government has agreed to increase the consultation level for textile products in Category 359 to 1,052,283 pounds. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level to the designated amount.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textile products, produced or manufactured in Pakistan.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 29, 1981, and for the eighteen-month period beginning on January 1, 1981 and extending through June 30, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 359, produced or manufactured in Pakistan, not to exceed the adjusted eighteen-month level of restraint of 1,052,283 pounds.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-16836 Filed 6-3-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Deletion and Amendments to System Notices

AGENCY: Department of the Army.

ACTION: Proposed deletions of and amendments to systems notices.

SUMMARY: The Department of the Army proposes to amend its inventory of systems notices by deleting 5 and amending 2 systems notices for systems of records subject to the Privacy Act of 1974. Specific changes to the amended system notices are set forth below, followed by the amended system notices printed in their entirety.

DATE: Actions shall be effective as proposed on July 6, 1981 unless comments are received which would result in a contrary determination.

ADDRESSES: Written public comments may be submitted to Headquarters, Department of the Army, ATTN: DAAG-AMR-R, Room 1146, Hoffman Building I, Alexandria, VA 22331 prior to July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General (DAAG-AMR-R), HQDA, at the above address; telephone: 703/325-6163.

SUPPLEMENTARY INFORMATION: Department of the Army systems of records as required by Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579; 88 Stat 1896, et seq.) appear at:

FR Doc. 79-37052 (44 FR 73729), December 17, 1979
FR Doc. 81-85 (46 FR 1002), January 5, 1981
FR Doc. 81-897 (46 FR 6460), January 21, 1981
FR Doc. 81-3374 (46 FR 9692), January 29, 1981
FR Doc. 81-5883 (46 FR 13544), February 23, 1981
FR Doc. 81-7250 (46 FR 15531), March 6, 1981
FR Doc. 81-7621 (46 FR 16111), March 11, 1981
FR Doc. 81-10724 (46 FR 21220), April 9, 1981
FR Doc. 81-12660 (46 FR 23523), April 27, 1981
FR Doc. 81-15109 (46 FR 27518), May 20, 1981

The System Notices being amended do not fall within the criteria of Subsection 552a(o) of Title 5 of the United States Code.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 1, 1981.

DELETIONS

A0228.03DAMH

System name:

Historical Inquiry Files (44 FR 73785), December 17, 1979.

Reason:

Records are contained in proposed amended system notice A0228.01DAMH, Army History Files, appearing in this **Federal Register.**

A0228.aDAMH

System name:

Historical Photographic Files (44 FR 73786), December 17, 1979.

Reason:

Records are contained in proposed amended system notice A0228.01DAMH, Army History Files, appearing in this **Federal Register.**

A0701.bAMC

System name:

Retirement Services Control Reference Paper Files (44 FR 73851), December 17, 1979.

Reason:

Information in this system of records is covered by system notice A0725.01cDAPC, Personnel Actions—Personal Affairs.

A0726.04aDAAG

System name:

Casualty Case Files (44 FR 73906), December 17, 1979.

Reason:

Information in this record system which may be subject to the Privacy Act is covered in A0726.06 being amended in this **Federal Register.**

A0726.04bDAAG

System name:

Report of Casualty (44 FR 73906), December 17, 1979.

Reason:

Information in this system is not subject to the Privacy Act.

AMENDMENTS

A0228.01DAMH

System name:

Historian's Background Material (44 FR 73785), December 17, 1979.

Changes:

System name:

Delete entry and substitute therefor: "Army History Files".

Categories of individuals covered by the system:

Delete entry and substitute therefor: "Military and civilian personnel associated with the Army; individuals who seek information concerning US Army activities."

Categories of records in the system:

Delete entry and substitute therefor: "Biographical resumes and personal working files of US Army personnel; personal papers donated by individuals for historical research; photographs of Army personages; requests for historical documents regarding US Army activities, and responses thereto."

Authority for maintenance of the system:

Add: "Title 5 U.S.C., Section 301."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Change period to semi-colon and add: "* * * to assist in preparing official studies of the US Army and events pertaining thereto."

Storage:

After "tapes", insert "and photographs".

Retention and disposal:

Add: "* * * Some are retired to the Washington National Records Center when no longer needed in historical offices; others are transferred to the Military History Research Collection at Carlisle Barracks, PA for preservation."

Notification procedure:

Delete entry and substitute therefor: "Individuals wishing to inquire whether this system of records contains information about them should contact the SYSMANAGER."

Record access procedures:

Delete entry and substitute therefor: "Individuals may request access to their records by contacting the SYSMANAGER, furnishing their full name, social security number, and signature."

Contesting record procedures:

After "determinations", delete remainder of entry and add the following: "* * * are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete entry and substitute therefor: "From the individual, his/her Army record, photographs, official Army documents, public records."

System exempted from certain provisions of the act:

Delete entry and substitute therefor: "Portions of this system which fall within the 5 U.S.C. 552a(k)(1) are exempted from subsection (d) of the act."

A0726.06DAAG

System name:

Casualty Information System (CIS) (44 FR 73907), December 17, 1979.

Changes:

System location:

Delete entry and substitute therefor: "The Adjutant General's Office, Headquarters, Department of the Army, Casualty and Memorial Affairs Directorate, Casualty Services Division, Washington, DC 20310."

Categories of individuals covered by the system:

After "procedures", delete period and add: "* * * specified in Army Regulation 600–10."

Categories of records in the system:

Delete entry and substitute therefor: "Computer data base contains information on casualties since 1961, including name, social security number, date of birth, branch of service, organization, duty, Military Occupational Specialty, rank, sex, race, religion, home of record, and other pertinent information related to one's casualty status."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry and substitute therefor: "Information from the historical statistical record is used to provide monthly statistics to Army and Defense components of the type, number, place and cause of death of Army members and to respond to public inquiries."

Notification procedure:

Delete entry and substitute therefor: "Information may be obtained from the SYSMANAGER at the address given, or by telephoning Area Code 703, 325–7990."

Contesting record procedures:

After "determinations", delete remainder and add the following: "* * * are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete information following "* * * field commands."

A0228.01DAMH

SYSTEM NAME:

Army History Files.

SYSTEM LOCATION:

U.S. Army Center of Military History, Headquarters, Department of the Army, Washington, DC 20310.

Decentralized segments exist at historical offices at HQDA staff and field operating agencies, major commands, and the USA Military

Historical Research Collection, Carlisle Barracks, PA 17013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel associated with the Army; individuals who seek information concerning U.S. Army activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical resumés and personal working files of U.S. Army personnel; personal papers donated by individuals for historical research; photographs of Army personages; requests for historical documents regarding U.S. Army activities; and responses thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012; Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information of a general nature concerning U.S. Army history in response to inquiries; to assist in preparing official studies of the U.S. Army and events pertaining thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, tapes, and photographs in file folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are maintained in secured areas accessible only to persons having need for the information in the performance of official duties.

RETENTION AND DISPOSAL:

Historical material and photographs are retained in historical reference collections permanently. Some are retired to the Washington National Records Center when no longer needed in historical offices; others are transferred to the Military History Research Collection at Carlisle Barracks, PA for preservation.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Military History, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Individuals may request access to their records by contacting the SYSMANAGER, furnishing their full name, social security number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, his/her Army record, photographs, official Army documents, public records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system which fall within 5 U.S.C. 552a(k)(1) are exempted from subsection (d) of the act.

A0726.06DAAG

SYSTEM NAME:

Casualty Information System (CIS).

SYSTEM LOCATION:

The Adjutant General's Office, Headquarters, Department of the Army, Casualty and Memorial Affairs Directorate, Casualty Services Division, Washington, DC 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army personnel reported as casualties in accordance with casualty notification procedures specified in Army Regulation 600–10.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer data base contains information on casualties since 1961, including name, social security number (SSN), date of birth, branch of service, organization, duty Military Occupational Specialty, rank, sex, race, religion, home of record, and other pertinent information related to one's casualty status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from the historical statistical record is used to provide monthly statistics to Army and Defense components of the type, number, place and cause of death of Army members and to respond to public inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, computer printouts, and punch cards.

RETRIEVABILITY:

By name, SSN.

SAFEGUARDS:

All information is restricted to a secure area in buildings which employ security guards. Computer printouts and magnetic tapes and files are protected by password known only to properly screened personnel possessing special authorization for access.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General's Office, Headquarters, Department of the Army (ATTN: DAAG–PEC), Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER at the address given, or by telephoning Area Code 703, 325–7990.

RECORD ACCESS PROCEDURES:

Written requests should contain the individual's name, current address and telephone number and should identify the person who is the subject of the inquiry by name, rank and SSN. Personal visits may be made to the Casualty Services Division, Office of the Adjutant General at Hoffman Building I, 2461 Eisenhower Avenue, Alexandria, VA 22331. For personal visits, individual should provide acceptable identification such as military identification card, valid driver's license, or social security card.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulations 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From casualty reports received from Army field commands.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-16678 Filed 6-3-81; 8:45 am]
BILLING CODE 3710-08-M

Defense Intelligence Agency

Privacy Act of 1974; Amendment of a System Notice

AGENCY: Defense Intelligence Agency.

ACTION: Amendment of a system notice.

SUMMARY: The Defense Intelligence Agency proposes to amend the notice for one of its system of records subject to the Privacy Act by making certain minor administrative changes to more clearly reflect the contents of the system and the manner in which it is retained. The specific changes to the system are set forth below followed by the amended system notice in its entirety.

DATE: This action shall be effective on July 6, 1981, unless comments are received which result in contrary determination.

ADDRESSES: Comments should be sent to the System manager identified in the notice below.

FOR FURTHER INFORMATION CONTACT: Mrs. Helen E. Shufford, Chief, Administrative Management Branch (RTS-IC) Defense Intelligence Agency, Room B-112, Cafritz Building, Washington, D.C. 20301, telephone (202) 695-1040.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency inventory of system of records notices as prescribed by the Privacy Act, Title 5, United States Code, Section 552a (Pub. L. 93-579; 88 Stat. 1896, et seq.) has been published at:

(FR Doc. 81-897 (46 FR 6460), January 21, 1981)

These changes do not require an altered system report under the provision of subsection 552a(o), of Title 5 of the United States Code.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services Department of Defense.

June 1, 1981.

Changes

LDIA 0819

System Name:

DIA Financial Management.

Changes

Categories of Records in the System:

Delete the first sentence.

Routine Uses of Records Maintained in System, Including Categories of Users and the Purposes of Such Uses:

Delete the third and fourth sentences and insert.

"Information will be disclosed to the current employer of civilian employees who have left the agency with the exception of the Departments of State and Air Force."

Record Source Categories:

Delete the words "Finance Office" and insert "and Air Force Finance Offices"

LDIA 0819

SYSTEM NAME:

DIA Financial Management.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian and military employees of DIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents supporting claims of indebtedness to the United States Government. Applications for the waiver of erroneous payment or indebtedness. Correspondence from civilian employees related to financial transactions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 creating the Defense Intelligence Agency as a separate agency of the Department of Defense under his direction and therein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information is used to determine eligibility for waiver of erroneous payment and remission of indebtedness. To support claims of the United States Government for the collection of erroneous payments made. To process employee's claims of payroll problems. Information will be disclosed to the current employer of civilian employees who have left the agency with the exception of the Departments of State and Air Force.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSAL OF RECORDS IN THE SYSTEM.

STORAGE:

Manual in paper files and cards.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are cut off each fiscal year and held for 2 years and then retired to the Washington National Records Center. They are destroyed when 10 years old. Temporary records are destroyed in 4 years of 2 years after a General Accounting Office audit.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number and date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E-223, Pentagon, Washington, D.C.

RECORDS ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number and date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E-223, Pentagon, Washington, D.C.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administration review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed

to: CAO (PA 1974), Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E-223, Pentagon, Washington, D.C.

RECORD SOURCE CATEGORIES:

Data is supplied from a number of sources including the individual concerned, the U.S. Army and Air Force Finance Offices and Agency officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-16661 Filed 6-3-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Guaranteed Student Loan Program; Special Allowance Rates for Quarter Ending March 31, 1981

The Secretary announces that for the three-month period ending March 31, 1981, except with respect to loans to which Section 438(b)(2)(D) of the Higher Education Act applies, a special allowance at an *annual rate* of 11 and ⅝ percent will be paid to holders of eligible Guaranteed Student Loan Program Loans having an applicable annual interest rate of 7 percent and a special allowance at an *annual rate* of 9 and ⅝ percent will be paid to holders of eligible Guaranteed Student Loan Program Loans having an applicable annual interest rate of 9 percent.

The two special allowance rates were computed under the statutory formula of section 438(b) of the Higher Education Act of 1965, as amended by the Education Amendments of 1980 (Pub. L. 96-374, October 3, 1980). Under this formula, the quarterly special allowance rates are computed by determining the average of the bond equivalent rates of the 91-day Treasury bills auctioned during this three-month period (15.03 percent), by subtracting from this average either 3.5 percent for 7 percent loans (11.53) or 5.5 percent for 9 percent loans (9.53), by rounding the remainders upward to the nearest one-eighth of 1 percent (11⅝ percent and 9⅝ percent, respectively), and by dividing the resultant percents by four (2.90625 percent and 2.40625 percent, respectively).

Thus, the special allowance to be paid for this period will be 2.90625 percent for loans with an applicable annual interest rate of 7 percent, and 2.40625 percent for loans with an applicable annual interest rate of 9 percent, computed on the average unpaid principal balance (not including unearned interest added to principal) of all eligible loans held by lenders.

(20 U.S.C. 1087-1(b))

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program)

Dated: May 29, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-16658 Filed 6-3-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Case No. 52970-9039-01, 02, 03, 04-82; Docket No. ERA-FC-81-012]

Tucson Electric Power Company; Public Hearing

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of hearing; correction.

SUMMARY: This document corrects a notice of May 26, 1981 (46 FR 28210).

Under the section entitled Supplementary Information, appearing on page 28211, column one, the third paragraph, second sentence is corrected to read as follows: "Presentations were made by, among others, ERA, TEP, the Southwest Gas Corporation and the Sierra Club, Grand Canyon Chapter." In the same section, column two, paragraph three, the second sentence is corrected to read as follows: "Following the publication of the NOIP and the Notice of Availability of the Tentative Staff Analysis, ERA received requests for a public hearing from Southern Arizonans for Fair Energy Rates, the Phoenix Building and Construction Trades Council and the Southern Arizona Building and Construction Trades Council* * *" Fourth paragraph, same column, the first sentence is corrected to read as follows: "At the public hearing, ERA will provide interested persons an opportunity to present oral or written data, views and arguments on the pending prohibition order proceedings."

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

May 29, 1981.

[FR Doc. 81-16628 Filed 6-3-81; 8:45 am]

BILLING CODE 6450-01-M

Conduct of Employees; Waiver Pursuant to Section 602(c) of the Department of Energy Organization Act (Pub. L. 95-91)

Section 602(c) of the Department of Energy Organization Act (Pub. L. 95-91) authorizes the Secretary of Energy to waive the divestiture requirements of section 602(a) of the Act for "supervisory employees" (as defined in section 601(a) of the Act) of the Department who have official relationships with, or financial interests in, "energy concerns" (as defined in section 601(b) of the Act).

Walter R. Pettiss, who has been appointed Administrative Assistant and Chief of Staff to the Secretary of Energy, has an offical relationship with, and the following other interests in, Milliken and Company. Mr. Pettiss has been granted a leave of absence by the company from April 13, 1981, to April 10, 1982. In addition, he has vested interests in the Milliken Salaried Employees Pension Plan and both vested and non-vested interests in the Milliken Salaried Employees Savings and Supplemental Retirement Plan. Milliken has been determined to be an energy concern within the meaning of section 601(b)(2) of the Department of Energy Organization Act.

It has been established to my satisfaction that Mr. Pettiss has vested interests, within the meaning of section 602(c) of the Department of Energy Organization Act, in the Milliken Salaried Employees Pension Plan and the Milliken Salaried Employees Savings and Supplemental Retirement Plan; and that requiring divestiture of his aforementioned employment relationship to Milliken and Company or of his non-vested interests in the Milliken Salaried Employees Savings and Supplemental Retirement Plan would impose exceptional hardship on him within the meaning of section 602(c) of the Act with respect to such relationship and interests for the period April 13, 1981 to April 10, 1982.

Mr. Pettiss' official duties as Administrative Assistant and Chief of Staff to the Secretary of Energy would require little, if any, involvement on his part in particular matters that could have a direct and predictable effect on Milliken and Company or his interests therein. Nevertheless, he will be directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect on the company or his interests in the company, unless the Secretary and the counselor agree that the financial interest in the particular matter is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him.

Dated: May 27, 1981.

James B. Edwards,

Secretary.

[FR Doc. 81-16627 Filed 6-3-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[RD-FRL 1845-2]

Ambient Air Monitoring Reference and Equivalent Methods; Amendment to Reference Methods for NO_2

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7049, 41 FR 11255, 41 FR 52694), has approved additional options to two reference methods, designation numbers RFNA-0677-021 (42 FR 37434) and RFNA-0280-042 (45 FR 9100). The options, for both of the methods, allow the use of a permeation distillation dryer in the ozone generation air stream. While the method identification numbers remain the same, the method descriptions are amended to read as follows:

(1) RFNA-0677-021, "Monitor Labs Model 8440E Nitrogen Oxides Analyzer," operated on a 0-0.5 ppm range (position 2 of range switch), with a time constant setting of 20 seconds, and with or without any of the following options:

TF Sample Particulate Filter With TFE Filter Element
V Zero/Span Valves
FM Flowmeters
DO Status Outputs
R Rack Mount
018A Ozone Dry Air
018B Ozone Dry Air—No Drierite

(2) RFNA-0280-042, "Monitor Labs Model 8840 Nitrogen Oxides Analyzer," operated on a range or either 0-0.5 ppm or 0-1.0 ppm, with an internal time constant setting of 60 seconds, a TFE sample filter installed on the sample inlet line, and with or without any of the following options:

02 Flowmeter
03A Rack Ears
03B Slides
05A Zero/Span Valves
05B Valve/Relay
06 Status
07A Input Power Transformer 100 VAC, 50/60 Hz
07B Input Power Transformer 220/240 VAC, 50 Hz
08A Pump Pac Assembly with 09A (115 VAC)
08B Pump Pac Assembly with 09B (100 VAC)
08C Pump Pac Assembly with 09C (220/240 VAC)
08D Rack Mount Panel Assembly
09A Pump 115 VAC 50/60 Hz
09B Pump 100 VAC 50/60 Hz
09C Pump 220/240 VAC 50 Hz
011A Recorder Output 1 Volt
011B Recorder Output 100 MV
011C Recorder Output 10 MV
012A DAS Output 1 Volt
012B DAS Output 100 MV
012C DAS Output 10 MV
013A Ozone Dry Air
013B Ozone Dry Air—No Drierite

These methods are available from Monitor Labs, Incorporated, 10180 Scripps Ranch Boulevard, San Diego, California 92131.

These changes are made in accordance with 40 CFR 53.14, based on additional information submitted by the applicant subsequent to the original designations (42 FR 37434, July 21, 1977, and 45 FR 9100, February 11, 1980). As designated reference methods, these methods are acceptable for use by States and other control agencies for purposes which require use of reference or equivalent monitoring methods.

Additional information concerning the use of these designated methods may be obtained from the original Notices of Designation (42 FR 37434 and 45 FR 9100) or by writing to: Director, Environmental Monitoring Systems Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Technical questions concerning the method should be directed to the manufacturer.

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 81-16633 Filed 6-3-81; 8:45 am]

BILLING CODE 6560-35-M

[RD-FRL 1845-3]

Ambient Air Monitoring Reference and Equivalent Methods; Designation of Ambient Air Monitoring Equivalent Method for Lead

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7049, 41 FR 11255, 44 FR 37916), has designated another equivalent method for the determination of lead in suspended particulate matter collected from ambient air. The new designated method is:

EQL-0581-052, "Determination of Lead Concentration in Ambient Particulate Matter by Wavelength Dispersive X-Ray Fluorescence Spectrometry."

A notice of receipt of application for this method appeared in the **Federal Register**, Volume 46, January 19, 1981, page 5064.

This method has been tested by the applicant (California Department of Health Service, Air and Industrial Hygiene Laboratory) in accordance with the test procedures prescribed in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA had determined, in accordance with Part 53, that this method should be designated as an equivalent method. The information submitted by the applicant will be kept on file at EPA's Environmental Monitoring Systems Laboratory, Research Triangle Park, North Carolina, and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

This method uses the sampling procedure specified in the reference method for the determination of lead in suspended particulate matter collected from ambient air (43 FR 46258). The lead content of the sample is measured by wavelength-dispersive X-ray fluorescence spectrometry using the lead Lb line at 0.0983 nm or the lead La line at 0.1175 nm. For optimum sensitivity to lead, the X-ray fluorescence spectrometer should be equipped with the following: (1) vacuum optical path; (2) pulse height analyzer or other means of energy discrimination; (3) LiF 200 analyzing crystal; (4) X-ray tube with a tungsten, molybdenum, or other suitable target. Technical questions concerning the method should be directed to the California Department of Health Services, Air and Industrial Hygiene Laboratory, 2151 Berkeley Way, Berkeley, California 94704.

As a designated equivalent method, this method is acceptable for use by States and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance (44 FR 27571, May 10, 1979). For such use, the method must be used in strict accordance with the procedures and specifications provided in the method description. States or other agencies using X-ray fluorescence spectrometric methods that employ procedures and specifications significantly different from those in this method must seek approval for their particular method under the provisions of § 2.8 of Appendix C to 40 CFR Part 58 (Modifications of Methods by Users) or may seek designation of such methods as equivalent methods under the provisions of 40 CFR Part 53.

Additional information concerning this action may be obtained by writing to Director, Environmental Monitoring Systems Laboratory, Department E (MD-77), U.S. Environmental Protection

Agency, Research Triangle Park, North Carolina 27711.

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 81-16634 Filed 6-3-81; 8:45 am]

BILLING CODE 6560-35-M

[RD-FRC 1845-1]

Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for an Equivalent Method Determination

Notice is hereby given that on April 27, 1981, the Environmental Protection Agency received an application from Monitor Labs, Incorporated to determine if its Model 8810 Photometric Ozone Analyzer should be designated by the Administrator of the EPA as an equivalent method under 40 CFR Part 53 (40 FR 7044, 41 FR 11255). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the **Federal Register.**

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 81-19632 Filed 6-3-81; 8:45 am]

BILLING CODE 6560-35-M

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 24, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

AGREEMENT NO. 10422.

FILING PARTY: Seymour H. Kligler, Esquire, Brauner, Baron, Rosenzweig, Kligler, Sparber & Bauman, 120 Broadway, New York, New York 10271.

SUMMARY: Agreement No. 10422, among Korea Shipping Corporation (KSC), Neptune Orient Lines, Ltd. (NOL), and Orient Overseas Container Line, Inc. (OOCL), provides for a cooperative arrangement whereby the parties will exchange space on vessels operated by each other. The scope of the agreement will include trade between ports and points in the United States (excluding Alaska and all commonwealths, territories and possessions of the United States but including Hawaii and Puerto Rico) and ports and points in the Republic of Korea, China, Hong Kong, Japan (including Okinawa), Thailand, Malaysia, Republic of Singapore, Indonesia, Republic of the Philippines, and, by transshipment, only, the Arabian Gulf and Australia. The parties will operate two services: (a) between ports in Hawaii and on the Pacific Coast of the United States and ports in the Far East and Southeast Asia ("Pacific Service"); and (b) between ports on the Atlantic and Gulf coasts of the United States and Puerto Rico and ports in the Far East and Southeast Asia ("Atlantic Service"). Vessels in the Atlantic Service may call at ports in California. The services will be operated either by direct shipment or transshipment, except that transportation to and from the Arabian Gulf and Australia will be by transshipment only. The parties will operate 18 vessels in the trade. KSC will operate 5 vessels, NOL will operate 5 vessels and OOCL will operate 8 vessels. Each of the vessels will have a capacity between 1,500 and 2,300 TEUs. No more than 8 vessels nor less than 7 vessels will be operated in the Pacific Service and the balance will be operated in the Atlantic Service. The parties agree to exchange space on vessels operated by each of them for space on vessels operated by others. The parties will receive in exchange the same number of TEUs as they make available on vessels operated by it to the other parties. No party may receive in exchange an amount of space in excess of the total amount of space on all vessels operated by it in the trade. Each party will be responsible for the utilization of its allocation. Any space which is not utilized by any party may be chartered or sub-chartered to any other party and such party will compensate the party from whom the space was chartered or sub-chartered. The value of the space allocated will be determined by the parties. Except as provided in the Agreement, no party will directly or indirectly conduct or operate any container liner service in the trade. Each party will take steps to become a party to each conference or other rate making agreement in the trade provided 75 percent of the containerized cargo moving in any trade to which any such conference or rate agreement is applicable is moving on vessels operated by conference/rate agreement members. Each party will retain absolute and complete independence in voting as a party to such conference or rate agreement. Except as may be required by any conference or rate agreements, any party may charge such rate for the transportation of container cargo as it sees fit. Each party will control on its own the following: cargo solicitation; payment of claims; collection of freight and other charges; utilization and allocation of space; supply; rental and movement of containers; preparation of documents; and appointment of agents and sub-agents. The parties will cooperate with each other to rationale sailings in each of the services and arrange advertising and sailing schedules so as to avoid conflicting dates. The parties will jointly negotiate and enter into leases, licenses, or assignments of terminal facilities and jointly contract for stevedoring and other terminal services. Each party requiring containers or other equipment agrees that it will lease or sub-lease such containers or equipment from any other party having a surplus. The parties will assist each other in positioning such containers and equipment where required at rates and terms to be agreed upon. The parties may enter into agreements which do not conflict with the terms of this agreement. The agreement provides for its termination on the fifth anniversary of the effective date. Upon becoming effective, Agreement No. 10422 is intended to supersede Agreement No. 10186, as amended. Agreement No. 10422 replaces Agreement No. 10409, a tripartite agreement between KSC, OOCL and NOL, withdrawn prior to Commission consideration.

By Order of the Federal Maritime Commission.

Dated: May 29, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-16595 Filed 6-3-81; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Education Assistance Loan Program; "Maximum Interest Rates for Quarter Ending June 30, 1981"; Correction

IN FR Doc. 81-13550 (46 FR 25352) published in the issue of Wednesday, May 6, 1981, the fourth and fifth statements, third column, item 1, page 25352 reads "However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent. This would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months."

These statements should read "However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months."

Dated: May 27, 1981.

John H. Kelso,

Acting Administrator.

[FR Doc. 81-16597 Filed 6-3-81; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Flathead Irrigation Project, Montana

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 209 DM8 and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3, and by authority delegated to the Project Engineer and to the Superintendents by the Area Director in 10 BIAM 7.0 §§ 2.70–2.75. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Section 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

Pursuant to final rule published on June 14, 1977, in 42 FR 30361, this notice sets forth changes to the operation and maintenance charges and related information applicable to the Flathead Irrigation Project, St. Ignatius, Montana. These charges were proposed pursuant to the authority contained in the Acts of August 1, 1914, and March 7, 1928, (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provision. One comment was received during the 30 day period which did not justify any changes and in effect was mostly a request for information.

In compliance with the above, the operation and maintenance charges for the lands under the Flathead Irrigation Project, Montana, for the season of 1981 and 1982 and subsequent years until further notice, are hereby fixed as follows:

For the season of 1981 for lands not included in an Irrigation District but including lands held in trust for Indians, the rate per acre for the various divisions are as follows:

	Per acre
Jocko	$7.93
Mission Valley	8.11
Camas	6.96

For the season of 1982 for lands included in an Irrigation District, the Project charge per acre is as follows:

	Per acre
Jocko Valley Irrigation District	$7.45
Mission Irrigation District	6.00
Flathead Irrigation District	5.72

E. M. Axtell,

Project Engineer, Flathead Irrigation Project.

[FR Doc. 81-16647 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-84-M

Notice of Receipt and Approval of Petition for Reassumption of Jurisdiction Over Indian Child Custody Proceedings by the Penobscot Indian Nation

Correction

In FR Doc. 81-14915 appearing on page 27397 in the issue of Tuesday, May 19, 1981, third column, the last line of "EFFECTIVE DATE" should have read: "on July 17, 1981."

BILLING CODE 1505-01-M

Bureau of Land Management

[CA-9071]

California; Order Providing for Opening of Land

By virtue of the authority contained in Section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818 (1970), and in accordance with the authority delegated to me by the State Director, California, State Office, Bureau of Land Management, dated January 13, 1977 (42 FR 3901), as amended, and pursuant to the determination of the Federal Energy Regulatory Commission, it is ordered as follows:

1. By order dated May 11, 1981, the Federal Energy Regulatory Commission vacated the land withdrawals in their entirety for transmission line projects No. 782 and 1154 affecting portions of the following described lands. These lands are located within the Modoc National Forest, the Mission Indian Reservation, vacant public lands located in Modoc and San Diego Counties, California and privately owned lands not subject to disposition under the public land laws:

San Bernardino Meridian

Power Project No. 782

T. 8 S., R. 2 W.,
Sec. 34.
T. 9 S., R. 2 W.,
Sec. 2;
Sec. 13;
Sec. 24;
Sec. 25.

Mount Diablo Meridian

Power Project No. 1154

T. 43 N., R. 13 E.,
Sec. 13;
Sec. 23;
Sec. 24.
T. 43 N., R. 14 E.,
Sec. 13;
Sec. 18.
T. 42 N., R. 15 E.,
Sec. 2 thru 4.
T. 43 N., R. 15 E.,
Sec. 28;
Sec. 29;
Sec. 33.
T. 42 N., R. 16 E.,
Sec. 6.

2. Of the lands described in Paragraph 1, the following is National Forest land and lies within the boundaries of the Modoc National Forest. That portion of said land lying within the boundaries of PP 1154 shall at 10:00 a.m. on July 8, 1981, be open to such disposition as may be made of National Forest land.

Modoc National Forest Mount Diablo Meridian

Power Project No. 1154

T. 43 N., R. 14 E.,
Sec. 13, S½SE¼.
T. 42 N., R. 15 E.,
Sec. 2, Lots 15, 23, and 24;
Sec. 3, Lots 13, 14, 18, and 19;
Sec. 4, Lot 17.
T. 43 N., R. 15 E.,
Sec. 28, SW¼;
Sec. 29, Lot 4 and S½SE¼;
Sec. 33, NE¼NW¼.

3. Of the lands listed in Paragraph 1, the following lie within the boundaries of the Mission Indian Reservation. That portion of said land lying within the boundaries of Power Project 782, shall at 10:00 a.m. on July 8, 1981, be relieved of the segregative effect of power project.

Mission Indian Reservation San Bernardino Meridian

Power Project No. 782

T. 9 S., R. 2 W.,
Sec. 24, E½SW¼;
Sec. 25, NE¼NW¼, NW¼NE¼, N½N½SW¼NE¼.

4. At 10:00 a.m. on July 8, 1981, the following described unappropriated, unreserved public lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and classification and the requirements of applicable law:

Mount Diablo Meridian

Power Project No. 1154

T. 43 N., R. 13 E.,
Sec. 13, SE¼SW¼, SW¼SE¼;
Sec. 23, NW¼SE¼;
Sec. 24, N½NW¼.
T. 43 N., R. 14 E.,
Sec. 18, NW¼SE¼.
T. 42 N., R. 16 E.,
Sec. 6, Lot 7 and SE¼SW¼.

5. Of the lands described in Paragraph 1, the following are privately owned and not subject to disposition under the public land laws:

San Bernardino Meridian

Power Project No. 782

T. 9 S., R. 2 W.,
Sec. 2, Lots 3 and 4, E½SE¼, NW¼SE¼, SW¼NE¼;
Sec. 13, E½SW¼.

Mount Diablo Meridian

Power Project No. 1154

T. 43 N., R. 13 E.,
Sec. 13, N½SE¼.
T. 43 N., R. 14 E.,
Sec. 18, Lot 3, NE¼SW¼, E½SE¼.

All lands not otherwise withdrawn or reserved have been open to application and offers under the mineral leasing laws and to location under the United States mining laws, subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning these lands should be addressed to the Bureau of Land Management, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

May 29, 1981.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81–16643 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

Conveyance of Public Land—CA 8704; Calaveras County, California

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), Edward Harrison Stokes and Linda Lee Stokes, Route 3, Box 46, Angeles Camp, California 95222, have purchased by noncompetitive sale public land in Calaveras County, California, described as follows:

Mount Diablo Meridian, California

T. 3 N., R. 13 E.,
Sec. 32, Lot 32.
Containing 6.39 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the issuance of the conveyance document to Mr. and Mrs. Stokes.

Dated: May 29, 1981.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81–16645 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

Colorado: Craig District Advisory Council; Field Tours

In accordance with Pub. L. 94–579, notice is hereby given that there will be a series of field tours by the Craig District Advisory Council according to the following schedule:

July 10–11, 1981—White River Resource Area
August 14–15, 1981—Kremmling Resource Area
September 11, 1981—Little Snake Resource Area

The purpose of the tours is to acquaint the council members with the resource management problems encountered by BLM in the field and to observe the progress of various District projects on-the-ground.

The public is welcome to accompany the Advisory Council on the field tours. However, the public must provide their own transportation and lunch. Anyone interested in attending the tours should notify the District Manager, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81626, by July 1, 1981.

The White River Resource Area tour will depart from the Resource Area Office on East Highway 13 in Meeker, Colorado, at 9:00 a.m., July 10, 1981. The Kremmling Resource Area tour will depart from the Kremmling Resource Area Office on East Highway 40 in Kremmling, Colorado, at 9:30 a.m., August 14, 1981. The Little Snake Resource Area tour will depart from the Craig District Office on East Highway 40 in Craig, Colorado, at 9:00 a.m. on September 11, 1981.

Dated: May 27, 1981.

Lee Carie,

District Manager.

[FR Doc. 81–16641 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

Lakeview District-Warner Lakes Resource Area; Invitation To Comment

In accordance with 43 CFR 1601.3, Notice is hereby given that the Bureau of Land Management, Lakeview District, is progressing with land use planning in Harney County. The Lakeview District completed Step II of the Management Framework Plan (M.F.P.) in 1980 and the Grazing Environmental Impact Statement (E.I.S.) is currently under review in draft form. The MFP amendment being prepared will carry out the requirements of the Federal Land Policy and Management Act of 1976 (FLPMA) with specific regard to section 603, Bureau of Land Management Wilderness Study, on portions of the Warner Lakes Resource Area.

The first phase of wilderness review, an intensive inventory, has been completed. The collected data will now be used to evaluate the capabilities and limitations of the land for resource use and development in three Wilderness Study Areas (W.S.A.s). The units involved are contained in both the Lakeview and Burns BLM Districts and this effort is timed to coordinate with planning efforts under way in the Andrews Resource Area of the Burns District. Management recommendations will affect approximately 215,300 acres of public land in units 1–146 A and 1–146 B Hawksie-Walksie, inventoried by the Lakeview District, and 2–84 Basque Hills, inventoried by the Burns District.

BLM resource specialists in range, recreation, wildlife, minerals and cultural resources, together with socio-economic specialists will comprise an inter-disciplinary team developing this plan.

General types of issues anticipated include: allocation of vegetation for use by livestock, wildlife, watershed protection, water quality, ORV activities and other recreation uses, Wilderness and Areas of Critical Environmental Concern.

The plan and ensuing E.I.S. will provide the basis for resource allocations and will define and guide subsequent management decisions within the Warner Lakes Resources Area.

Specific notices of meetings and opportunities for public participation will be announced in the future. Those who desire to discuss the BLM planning and environmental assessment efforts and the available information may do so by contacting the District Manager, Bureau of Land Management, P.O. Box 151, Lakeview, Oregon 97630, (503) 947–2177.

Malcolm T. Shrode,

Acting District Manager.

May 26, 1981.

[FR Doc. 81–16587 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

Medford District Advisory Council; Meeting

Notice is hereby given in accordance with 43 CFR Part 1780 that a meeting of the Medford District Advisory Council will be held on Friday, July 10. The Meeting will begin at 9 AM and will end at 12 noon in the Oregon Room of the Bureau of Land Management Office at 3040 Biddle Road, Medford, Oregon.

The agenda for the meeting will include:

1. General announcements of BLM Medford District activities.
2. A review of the 1982 annual work plan and budget, including a status report on 1981 timber receipts.
3. A review of the 1982 timber sale plan.
4. A status report on the amending of Medford's two management framework plans to include grazing wilderness, and areas of critical environmental concern.
5. Plans for future meetings.

The meeting is open to the public and news media. Interested persons may make oral statements to the Council between 11:30 AM and 12 noon or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the Public Information Officer, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97501, telephone 503/776–4198, by close of business July 7. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary of minutes of the Council meeting will be maintained at the District Office and be available for public inspection and reproduction at the cost of duplication.

Hugh R. Shera,

District Manager.

May 20, 1981.

[FR Doc. 81–16590 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

Native Allotments Act of May 17, 1906; Land Described in Native Allotment Applications That May Be Valuable for Minerals; Decision

May 27, 1981.

Section 905(a)(3) of the Alaska National Interest Lands Conservation Act of December 2, 1980, provides that allotment applications will not be legislatively approved if they describe land which the Secretary determines may be valuable for minerals. The deadline for such determinations is June 1, 1981.

Pursuant to the authority delegated to me, I hereby determine on behalf of the Secretary that the following Native Allotment applications describe land that may be valuable for minerals, excluding coal, oil and gas.

The applicants have been or will be notified of this decision.

F–17154	F–18962
F–17117	F–18917
F–17144	F–16514
F–17754	AA–7188
F–17146	AA–7129
F–17141	AA–7192
F–17162	AA–7218
F–17147	AA–7259
F–17165	AA–7278
F–17452	AA–7282
F–17116	AA–7291
F–17143	AA–7293
F–17155	AA–7298
F–17142	AA–7305
F–14352	AA–7446
F–15032	AA–7455
F–14782	AA–7479
F–15559	AA–7505
F–17013	AA–7508
F–11935	AA–7515
F–17750	AA–7524
F–15012	AA–7525
F–15013	AA–7538
F–16013	AA–7547
F–18272	AA–7556
F–18663	AA–7612
F–14382	AA–7644
F–13989	AA–7646
F–18439	AA–7747
F–18593	AA–7807
F–19006	AA–7823
F–17048	AA–7824
F–18550	AA–7920
F–17487	AA–7936
F–19057	F–530
F–18219	F–560
F–18400	F–575
F–17913	F–1267
F–15986	F–1640
F–17595	F–2680
F–14125	F–7569
F–11659	F–17636
F–12049	F–17646
F–12292	F–17731
F–12554	F–17739
F–12582	F–17746
F–13054	F–17771
F–13061	F–17774
F–13188	F–17775
F–13361	F–17782
F–13363	F–17783
F–13431	F–17790
F–13432	F–17874
F–13543	F–17877
F–13549	F–17878
F–13622	F–18133
F–13696	F–18206
F–13707	F–18244
F–13755	F–18245
F–13794	F–18262
F–13849	F–18297
F–14000	F–18368
F–14027	F–18398
F–14199	F–18399
F–14346	F–18442
F–15760	F–18500
F–15770	F–18545
F–15874	F–18572
F–15875	F–18573
F–16210	F–17244
F–16248	F–19368
F–16345	F–17175
F–16354	F–171921
F–16362	AA–7528
F–16365	F–17108
F–16386	A–07584
F–16423	A–057129
F–16426	A–04897
F–16427	A–01746
F–16446	A–02902
F–16511	AA–5615
F–16512	AA–5612
F–16515	AA–04612
F–16645	A–04490
F–16926	AA–05618
F–16927	A–012490
F–16952	A–012492
F–16968	A–012491
F–16969	A–012489
F–17025	A–012820
F–17026	AA–6565
F–17027	A–02868
F–17635	

Curtis V. McVee,

State Director.

[FR Doc. 81–16591 Filed 6–3–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 24747]

Noncompetitive Sale of Public Land in Malheur County, Oregon; Realty Action

The following described land has been identified as suitable for disposal by sale under Sec. 203 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 2750; 43 U.S.C. 1713, at not less than fair market value:

Willamette Meridian, Oregon

T. 21 S., R. 38 E.,
Sec. 21, NW¼NE¼SW¼NW¼ and NW¼SW¼NW¼.
Containing 12.5 acres.

The land is being sold noncompetitively to John W. Wharton who currently occupies the land without authorization. Mr. Wharton and his

family have occupied the land since approximately 1920 and have attempted to secure title under the Desert Land Act of 1877 and the Color-of-Title Act of 1928. Applications under these authorities have been previously rejected; however, the 9th District Court of Appeals ordered June 11, 1975, that the Whartons be allowed another opportunity to apply under the Desert Land Act. This application was also rejected by decision of the Assistant Secretary of the Interior dated August 8, 1980; however the decision specified that the land described above could be sold to Mr. Wharton at fair market value.

The direct sale will protect the equity investment in the improvements on the land and eliminate the hardship if Mr. Wharton were compelled to remove or otherwise dispose of the improvements. The land is difficult and uneconomic to manage as a part of the public lands. The sale is consistent with the Bureau of Land Management's planning for the land and with local planning and zoning. Resolution of this unauthorized occupancy through sale is in the public interest.

The terms and conditions applicable to this sale are:

1. A right-of-way for ditches or canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719).

3. The patent, when issued, will contain a restrictive convenant pursuant to Executive Order 11988 of May 25, 1977, that the land lying below 2955 feet in elevation will be used only for farming or ranching and not for dwellings or buildings because of flood hazard potential.

4. A Certificate of Water Right dated February 1, 1912, will go with the property if sold to Mr. Wharton, but would be reserved to the United States in any conveyance to another party if Mr. Wharton declines to purchase the land.

Detailed information concerning the sale is available for review at the Oregon State Office, Bureau of Land Management, 729 N.E. Oregon Street, P.O. Box 2965, Portland, Oregon 97208.

On or before July 20, 1981, interested parties may submit comments to the State Director, Bureau of Land Management, at the above address. Any adverse comments will be evaluated by the State Director who may vacate or modify this reality action and issue a final determination. In absence of any action by the State Director, this realty action will become the final determination.

Dated: May 26, 1981.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-16646 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-84-M

Worland District Advisory Council; Meeting

May 29, 1981.

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Worland District Advisory Council will be held on Wednesday, August 12, 1981 at 9:00 a.m. at the Bureau of Land Management Office Annex, 1701 Robertson Avenue, Worland, Wyoming 82401.

The agenda for the meeting will include: a workshop resolving conflict within the Management Framework Plan for the Grass Creek Resource Area, and any discussion in response to public statements presented at the meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 1:00 and 1:30 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address on or before Tuesday, August 11, 1981. Written statements must be received by close of business on August 11, 1981. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction, during regular business hours, within 30 days following the meeting.

John A. Kwiatkowski,

District Manager.

[FR Doc. 81-16644 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-84-M

Prohibited Acts in Rogue National Wild and Scenic River Area

Pursuant to 43 CFR 8351.2-1, the following is prohibited on the lands and water surface within the Rogue River component of the National Wild and Scenic Rivers System administered by the Bureau of Land Management (BLM) which are described in Exibit A of this Order. The Order shall remain in effect until further notice.

1. Boating

Going onto or being upon the Rogue River between Grave Creek and the Siskiyou National Forest Boundary at Marial using and type of floatable craft or object without: (1) A four agency Rogue Wild and Scenic River management group permit (of which BLM is a signatory), or (2) a joint BLM/US Forest Service (USFS) permit, or (3) an individual BLM permit for such use. The provisions of this paragraph shall not be applicable to persons engaged in non-commercial boating trips on the River from the day after Labor Day to the Friday preceding Memorial Day.

2. Boat Launching

Using any of the Lands described in Exhibit A located between Grave Creek and the Siskiyou National Forest boundary at Marial for the purpose of entering or going upon the Rogue River with any type of floatable craft or object without: (1) A four agency Rogue Wild and Scenic River management group permit (of which BLM is signatory), or (2) a joint BLM/Forest Service permit, or (3) an individual BLM permit for such use. The provisions of this paragraph shall not be applicable to persons engaged in non-commercial boating trips on the River from the day after Labor Day to the Friday preceding Memorial Day.

3. Operation of Motorized Boats

Operation of any motorized boat on the Rogue River between Grave Creek and the Siskiyou National Forest boundary at Marial between May 15 and November 15. The provisions of this paragraph shall not be applicable to persons having a valid BLM permit for such use.

4. Camping

a. Camping for a period longer than 14 consecutive days, or as posted.

b. Camping in any area posted as closed to that use.

c. Occupying any portion of a developed or undeveloped recreation site for other than recreation purposes.

d. Occupying between 10 p.m. and 6 a.m. a place designated for day use only.

5. Building, Maintaining, Attending or Using a Fire

a. Carelessly or negligently throwing or placing any burning substance, or any other substance or thing which may cause a fire, or firework or explosive, into any place where it might start a fire; causing timber, slash, brush, or grass to burn except as authorized by BLM permit; leaving a fire without completely extinguishing it; allowing a fire to escape from control; or building, attending, maintaining or using a campfire without adequately removing all flammable material from around the campfire, which could allow its escape.

b. Failing to observe state fire closure regulations or notices issued by the Oregon State Department of Forestry.

6. Improper Disposal of Trash or Human Waste

a. Placing in or near a river, stream, or other water any substance which does or may contribute to polluting such river, stream, or other water.

b. Failing to dispose of all trash or human waste either by removing it from the area or by depositing it into receptacles or at places provided for such purposes. Human waste may also be buried six to eight inches deep in the soil, away from campsites and water.

c. Leaving in a trash container or dump, any trash brought as such from private property.

7. Disorderly Conduct

a. Engaging in fighting, or in threatening, abusive, indecent, or offensive behavior.

b. Making unreasonable noise.

c. Being nude where a person may be observed by the general public. No person under the age of 10 years shall be considered nude under this paragraph.

8. Other Acts

a. Violation of the terms of any written permission or permit issued by the BLM which authorizes an act or omission otherwise prohibited by the Order.

b. Operating motorized vehicles off roads within BLM Wild and Recreational Sections of the Rogue National Wild and Scenic River corridor; except for the following four areas which are open to day use vehicle parking on the gravel bar, from the day after Labor Day to the Friday preceding Memorial Day. These four limited access points are the gravel bar fishing areas at Rand Recreation Site, Rocky Riffle Recreation Site, Griffin Park Group Recreation Site and Applegate Recreation Site.

c. Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property: (1) from the Friday preceding Memorial Day through Labor Day from the lands or waters between Grave Creek and the Siskiyou National Forest boundary at Marial, or (2) at any time within 150 yards of a residence, building, developed or undeveloped recreation site, or occupied area, or (3) at any time across or on any public road; or across or on any trail of body of water whereby any person or property is exposed to injury or damage as a result of such discharge.

d. Constructing, placing, or maintaining any kind of road, trail, fence enclosure, communication equipment, building or other structure of improvement without a BLM permit.

e. Damaging, disturbing, or removing any timber or other vegetation or forest product, except as authorized by a BLM permit, or timber sale contract. The provisions of this paragraph shall not be applicable to the use by campers of reasonable amounts of dead and down timber for campfires.

f. Defacing, disturbing, or removing any natural feature or any property of the United States.

g. Entering any structure owned or controlled by the United States when such structure is not designated open to the public.

h. Digging in, disturbing, or removing any archaeological, paleontological or historical site, or removing, disturbing, injuring or destroying any archaeological, paleontological, or historical object, without a BLM permit.

i. Digging, scraping, disturbing, or removing natural land features for the purpose of mineral prospecting or mining. The provisions of this paragraph shall not be applicable to: (1) valid existing mining rights, (2) to recreational gold panning that does not require digging, dredging, or sluicing, or (3) to the use in accordance with State law and regulations of up to a three inch diameter motorized suction dredge in the river channel between the mouth of the Applegate River and Grave Creek.

j. Using or possessing a bicycle, motorized vehicle, or saddle, pack or draft animal on the Rogue River Trail from the trailhead at Grave Creek to the Siskiyou National Forest boundary at Marial, or the Rainie Falls Trail from the trailhead at Grave Creek to Rainie Falls.

k. Operation or use of any aircraft within 1,000 feet of the water surface, from the Friday preceding Memorial Day through Labor Day, between Grave Creek and the Siskiyou National Forest boundary at Marial. The provisions of this paragraph shall not be applicable to the operation and use of aircraft by persons forced to land due to circumstances beyond their control and by persons with a BLM permit for such use.

l. Failing to exhibit required permits and identification when requested by a BLM Authorized Officer or representative.

m. Selling or offering for sale any merchandise or conducting any kind of business enterprise without a BLM permit.

n. Threatening, resisting, intimidating, or interfering with any BLM official or employee engaged in or on account of the performance of his or her official duties in the administration of the National Wild and Scenic Rogue River.

The provisions of paragraphs 1, 2, 3, 4, and 8 b, c, j, and k shall not be applicable to any Federal, State or local officer or member of any organized rescue or fire fighting force in the performance of an official duty.

Done at Medford, Oregon, this 29th day of May, 1981.

Wayne A. Boden,

Medford District Manager, Bureau of Land Management.

Violation of these prohibitions is punishable by a fine of not more than $500 or imprisonment for not more than 6 months, or both. Title 16 U.S.C. Section 1281(c) and Title 16 U.S.C. Section 3.

Exhibit A

The lands and water surface administered by the Bureau of Land Management to which this order applies are as follows:

1. Lands administered by the Bureau of Land Management between the mouth of the Applegate River and Grave Creek (Recreational Section of the Rogue National Wild and Scenic River):

Williamette Meridian

T. 34 S., R. 7W.,
- Sec. 6, lots 4, 5, 6, and 7;
- Sec. 18, lot 4, SW¼SE¼SW¼;
- Sec. 19, lots 2 and 4, W½E½NW¼, plus that property describd in those deeds recorded in the Josephine County Deed Records in Vol. 314 page 978 and Vol. 312 page 1122;
- Sec. 30, lot 1 including a portion of M. S. No. 734, Robert Dean Placer Mining Claim;
- Sec. 31, lot 4 SE¼SW¼, W½SW¼SE¼.

T. 34 S., R. 8W.,
- Sec. 1, lots 8, 9, 10, 11, 12, and 13, SE¼SE¼SW¼, SE¼NW¼SE¼;
- Sec. 11, SE¼SE¼SE¼;
- Sec. 12, lots 1, 2, 3, 4, 5, 6, 7, and 8, NW¼NE¼NE¼, SE¼SW¼NW¼, E½NW¼SW¼, NW¼NW¼SE¼;
- Sec. 13, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, NE¼NW¼SW¼, M. S. No. 796 Grubstake;
- Sec. 14, E½NE¼NE¼;
- Sec. 24, lots 1, 3, 4, 5, and 8, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 321 page 1348, Vol. 321 page 1346, Vol. 320 page 1669, and Vol. 321 page 2000;
- Sec. 25, lots 1, 2, 3, 6, 8, and 9, SE¼NE¼NW¼, SE¼SW¼, portion of M. S. No. 734 Robert Dean Placer claim;
- Sec. 36, lots 2 and 12, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 317 page 968, Vol. 322 page 19, and Vol. 330 page 1098.

T. 35 S., R. 7 W.,
- Sec. 3, S½SW¼SW¼;
- Sec. 4, lots 5, 6, 7, 8, and 9, S½NW¼SE¼, plus that property described in that deed recorded in the Josephine County Deed Records in Vol. 316 page 382;

Sec. 5, lots 5, 6, 7, 8, 9, 10, 11, and 12, SW¼NW¼, NE¼SW¼;
Sec. 6, lots 1, 2, 3, 4, 6, and 12, SE¼NW¼, plus that property described in that deed recorded in the Josephine County Deed Records in Vol. 317 page 1465;
Sec. 9, lots 1 and 2, N½NW¼NE¼;
Sec. 10, lots 1, 4, 5, 6, 7, and 8, all those portions of land in lots 2 and 3, and the SE¼NE¼ lying south and west of the Marlin-Galice Road, N½SW¼NW¼, SE¼SW¼NW¼, NE¼NE¼SW¼, E½NW¼NE¼SW¼, NE¼SW¼SE¼, N½SE¼SE¼, SE¼SE¼SE¼;
Sec. 11, that property described in those deeds recorded in the Josephine County Deed Records in Vol. 308 page 725, Vol. 309 page 865, Vol. 308 page 1272, Vol. 308 page 1270, Vol. 306 page 1274, and a portion of that property described in Vol. 323 page 975;
Sec. 14, that property described in those deeds recorded in the Josephine County Deed Records in Vol. 323 page 427, Vol. 321 page 1300, Vol. 324 page 1464, Vol. 307 page 1100, and a portion of that property described in Vol. 323 page 975;
Sec. 15, NE¼NE¼NE¼;
Sec. 23, lots 3 and 7, E½NE¼NW¼, E½W½NE¼NW¼, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 329 page 1313, Vol. 330 page 181, Vol. 329 page 1836, Vol. 340 page 2020, Vol. 332 page 192, Vol. 335 page 726, Vol. 331 page 1066, Vol. 321 page 1298, and a portion of those properities described in Vol. 319, page 48 and Vol. 287 page 726;
Sec. 24, lots 1 and 2, NE¼SW¼, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 336 page 1578, Vol. 336 page 2007, and a portion of that property described in Vol. 319 page 48 and Vol. 287 page 726;
Sec. 25, lots 1, 3, and 4, N½NE¼NW¼, SW¼NE¼NW¼, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 307 page 1103, Vol. 333 page 1391, Vol. 313 page 370, and a portion of those properties described in Vol. 336 page 196, Vol. 333 page 2047, Vol. 330 page 192, Vol. 326 page 1963 (correction deed in Vol. 330 page 514), and Vol. 330 page 194;
Sec. 26, lot 3, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 314 page 1567, Vol. 318 page 1874, Vol. 320 page 781, Vol. 330 page 190, and a portion of those properties described in Vol. 336 page 196, Vol. 333 page 2047, Vol. 330 page 194, Vol. 326 page 1963 (correction deed in Vol. 330 page 514), Vol. 330 page 192, and Vol. 298 page 85;
Sec. 35, lot 1, an island lying in portions of the S½NE¼ and the N½SE¼, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 313 page 1220, Vol. 327 page 1356, Vol. 319 page 1478, Vol. 285 page 557, and a portion of that property described in Vol. 278 page 734;
Sec. 36, lots 1 and 2, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 326 page 1711, Vol. 283 page 449, Vol. 326 page 1200, and a portion of those properties described in Vol. 326 page 1963 (correction deed in Vol. 330 page 514), and Vol. 289 page 973.

T. 35 S., R. 8 W.,
Sec. 1, lots 1, 2, 3, 4, excluding M. S. No. 865 Genevieve Placer, 5, and 8, E½NW¼SW¼, N½NW¼SE¼, SW¼NW¼SE¼, plus an island lying on the S½SW¼.

T. 36 S., R. 6 W.,
Sec. 18, a portion of the property described in that deed recorded in the Josephine County Deed Records in Vol. 324 page 1458;
Sec. 19, a portion of that property described in that deed recorded in the Josephine County Deed Records in Vol. 324 page 1458.

T. 36 S., R. 7 W.,
Sec. 1, that property described in those deeds recorded in the Josephine County Deed Records in Vol. 326 page 1707 and Vol. 323 page 438;
Sec. 2, lots 8, 9, and 10, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 283 page 607, Vol. 319 page 1487, Vol. 314 page 352, Vol. 281 page 147, Vol. 322 page 1584, Vol. 305 page 388, and Vol. 326 page 1201;
Sec. 11, lots 5, 6, 7, and 8, plus that property described in those deeds recorded in the Josephine County Deed Records in Vol. 316 page 1291, Vol. 333 page 152, Vol. 316 page 287, and a portion of that property described in Vol. 312 page 1124;
Sec. 12, lots 1 and 2, W½SW¼;
Sec. 13, a portion of that property described in that deed recorded in the Josephine County Deed Records in Vol. 324 page 1458;
Sec. 14, that property described in those deeds recorded in the Josephine County Deed Records in Vol. 316 page 1967, Vol. 308 page 610, Vol. 313 page 372, Vol. 327 page 1358, Vol. 306 page 643, and a portion of that property described in Vol. 312 page 1124.

2. Lands administered by the Bureau of Land Management between Grave Creek and the Siskiyou National Forest boundary at Marial (Wild Section of the Rogue National Wild and Scenic River).

Willamette Meridian

T. 33 S., R. 7 W.,
Sec. 31, lot 4.

T. 33 S., R. 8 W.,
Sec. 31, SE¼SE¼SE¼;
Sec. 32, lots 1, 2, 3, 4, 5, 6, and 7, S½SE¼NE¼, E½NW¼SW¼;
Sec. 33, lots 1, 2, 3, 4, 5, 6, 7, and 8, S½SW¼NW¼, NE¼SE¼SW¼, W½SE¼SW¼, N½S½SE¼;
Sec. 34, lots 1, 3, 4, 5, 6, 7, 8, 9, and 10, W½SE¼NW¼, SE¼SE¼NW¼, N½SW¼SW¼, SE¼SW¼, M. S. No. 553 Gold Ring;
Sec. 35, lots 9 and 10, M. S. No. 553 Gold Ring, SE¼SW¼;
Sec. 36, lot 5 and SW¼SE¼.

T. 33 S., R. 9 W.,
Sec. 8, S½SE¼SW¼, S½SW¼SE¼, SW¼SE¼SE¼;
Sec. 15, S½SW¼SW¼;
Sec. 16, lots 1, 2, 3, 4, and 5, W½NW¼NW¼, SE¼NW¼NW¼, W½SE¼NW¼, E½SW¼SW¼, NW¼SW¼SW¼, W½NW¼SE¼, SE¼NW¼SE¼, S½SE¼SE¼;
Sec. 17, lots 1, 2, 3, 4, 5, 6, 7, and 8, N½SW¼NE¼, N½NW¼SW¼, NE¼NE¼SE¼;
Sec. 18, lots 1, 2, 3 excluding Winkle Bar and Winkle Bar Extension M. S. No. 844, 4 excluding Winkle Bar and Winkle Bar Extension M. S. No. 844, 5 excluding Winkle Bar and Winkle Bar Extension M. S. No. 844, 6, 7, 8, 9, 11, 12, and 13, SE¼NE¼NE¼, SW¼NE¼NW¼;
Sec. 21, lots 1, 2, and 3, N½SW¼NE¼, SE¼SW¼NE¼, N½NE¼NW¼, SE¼NE¼NW¼, NE¼NE¼SE¼;
Sec. 22, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, S½SE¼NE¼, NW¼NW¼, N½NW¼SW¼, N½SW¼SE¼;
Sec. 23, lots 1, 2, and 3, SW¼NE¼SW¼, W½SW¼SE¼;
Sec. 26, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, W½NW¼NE¼, SW¼NW¼SE¼, W½SW¼SE¼;
Sec. 27, E½NE¼NE¼;
Sec. 35, lots 1, 2, 3 excluding St. Charles Placer M. S. No. 862, 4, 5, 6, excluding Boston Placer and St. Charles Placer M. S. No. 862, 7 excluding Boston Placer M. S. No. 862, 8, 9, and 10, W½NW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, E½NW¼SW¼, S½NE¼SE¼.
Sec. 36, lots 1, 2, and 3, SW¼NE¼SW¼, S½NW¼SW¼.

T. 33 S., R. 10 W.,
Sec. 9, lots 1, 2, 3, and 4, S½SW¼NE¼, SE¼NE¼, E½NE¼SW¼, SW¼NE¼SW¼, N½SE¼SE¼;
Sec. 10, lots 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, and 13, S½NE¼NE¼, SE¼NW¼NE¼, NW¼SW¼SW¼, N½NE¼SE¼, except for that property described in Vol. 40 page 642 of the Curry County Deed Records;
Sec. 11, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, SW¼NW¼NW¼, W½SE¼NW¼, SE¼SE¼NW¼, NE¼SW¼SW¼, W½NW¼SE¼, SE¼NW¼SE¼, SW¼NE¼SE¼;
Sec. 12, lots 1 and 2, W½SW¼SE¼, SE¼SW¼SE¼;
Sec. 13, lots 1, 2, 3, 4, 5, 6, 7, and 8, NE¼SE¼NW¼, NE¼NE¼SE¼;
Sec. 14, lots 1, 2, and 3, NE¼NE¼NW¼.

T. 34 S., R. 8 W.,
Sec. 1, lots 1, 2, 3, 4, 5, 6, and 7, NW¼SW¼NE¼, NW¼NW¼SW¼, an island in the SW¼NW¼ (lots 5 and 6);
Sec. 2, lots 1, 2, 3, 4, 5, 6, 7, and 8, NE¼SW¼NW¼, N½SE¼NW¼, N½NE¼SE¼, an island in the SE¼NE¼ (lots 7 and 8);
Sec. 3, lot 1;
Sec. 5, lots 3, 4, and 5, NW¼SW¼NW¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, N½NE¼SW¼, NW¼NE¼SE¼, N½NW¼SE¼.

T. 34 S., R. 9 W.,
Sec. 1, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, N½N½SE¼;
Sec. 2, lots 1, 2, and 3.

3. The Rogue River from the mouth of the Applegate River downstream to the Siskiyou National Forest boundary at Marial.

[FR Doc. 81-16642 Filed 6-3-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Decision-Notice; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: May 27, 1981.

By the Commission, Krock, Joyce, and Dowell.

MC-F-14452F, filed July 25, 1980 (supplemental publication) (previously published in the **Federal Register** on August 28, 1980). CLARK TRANSFER, INC. (Clark) (P.O. Box 190, Burlington, NJ 08016)—PURCHASE—UNTCO, INC. (UNTCO) (850 N. Luzerne Street, Philadelphia, PA 19124) Representatives: David A. Sutherland, 1150 Connecticut Avenue, NW, Suite 400, Washington, DC 20036 and Francis W. McInerny, 1000 Sixteenth Street, NW, Washington, DC 20036. The purpose of the supplemental publication is to include in the scope of authority being acquired by Clark the authority issued to Untco in permit No. MC-148605 (Sub-No. 2F) on December 19, 1980 and in certificate No. MC-107615 (Sub-No. 11F) on February 19, 1981. The permit authorizes transportation, as a motor contract carrier, over irregular routes, of general commodities (except commodities in bulk), between points in Connecticut, Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, Nassau, Suffolk, and Westchester Counties, NY; New York, NY; and the District of Columbia. The certificate in No. MC-107615 (Sub-No. 11F) authorizes transportation as a motor common carrier, over irregular routes, of printed matter, (1) from North Bergen, NJ and Harrisonburg and Lancaster, PA to points in Virginia, (2) from Luray, VA to points in Pennsylvania, Wilmington, DE, Baltimore, MD, Newark, NJ and New York, NY; and (3) from East Greenville, PA to points in Delaware, Maryland (except Baltimore), New Jersey, Virginia, West Virginia, and in Rockland, Suffolk and Westchester Counties, NY which are not within the New York, NY commercial zone. Authority sought for purchase by GREY GOOSE CORPORATION LIMITED, 10572 101st Street, Edmonton, Alberta, Canada T5H 2R8, of the stock of CONCORD COACH LINES LTD., 5006 47th Avenue, Lloydminister, Alberta, Canada 59V OW3, and control by Laidlaw Transportation Limited, P.O. Box 3020 Stn. "B", Hamilton, Ontario, Canada L6L7X7 and in turn by M. G. DeGroote, P.O. Box 3020 Stn. "B", Hamilton, Ontario, Canada L6L 7X7. Representative: Jeremy Kahn, Kahn and Kahn, 1511 K Street, N.W., Washington, DC 20005. Concord Coach holds a certificate in MC-14335 authorizing transportation of passengers in round trip operations beginning and ending at ports of entry on the United States-Canada boundary line in Montana and North Dakota, and extending to points in the United States, restricted to traffic beginning and ending at points in the Provinces of Alberta and Saskatchewan. Grey Goose Corporation holds no Interstate Commission authority. Laidlaw Transportation Limited controls Laidlaw Transport Limited and Boss-Linco Lines, Inc. both motor carriers of property and Grey Goose Bus Lines (Manitoba) Limited and Travelways Tours Ltd., both motor carriers of passengers conducting operations beginning and ending at points in Canada and extending to points in the United States. (Hearing site: Washington, D.C.)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16664 Filed 6-3-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly Section 5) of the

Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 C.F.R. 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-FC 78671. By decision of May 19, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Remy Moving & Storage Corp. of Certificate No. MC-143641 issued March 16, 1978 to Robert J. Corduck and Jeanne L. Corduck d.b.a. as East Coast Movers authorizing the transportation over irregular routes of *Household goods*, between Fall River, MA and points within 10 miles thereof, on the one hand, and, on the other, points in NH, VT, MA, RI, CT, NY, NJ, PA, and VA., Between Cambridge, MA and points in MA within 20 miles thereof, on the one hand, and, on the other, points in ME, NH, MA, RI, CT, and NY. *Household goods*, as defined by the Commission, between Falmouth, MA and points in MA within 50 miles thereof, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and the District of Columbia. Between points in that part of Barnstable County, MA and east of a line beginning at Cape Cod Bay and extending south through Barnstable, MA to the Nantucket Sound, and north of a line beginning at Barnstable and extending east through Yarmouth, MA to the Atlantic Ocean, including the points named, on the one hand, and, on the other, points in CT, RI, and MD. *Used furniture*, uncrated between Provincetown, MA and New York, NY.

By decision of January 20, 1981, old Review Board Number 3 granted the application in No. MC-434 (Sub-No. 3). It was published in the **Federal Register** at 46 FR 11720 (February 10, 1981) and is directly related to No. MC-FC 78671. The grant was unopposed. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Avenue N.W., Suite 1112, Washington, D.C. 20036.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16663 Filed 6-3-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC-FC-78991. By decision of February 18, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to T. D. MURPHY, d.b.a. MOVE FILM EXPRESS OF MESA, AZ of a portion of Certificate No. MC-121335 (Sub-No. 2) issued November 30, 1978, to FILM TRANSPORT CO., OF CAL., INC., OF LOS ANGELES, CA authorizing the transportation of *Films and articles associated with the exhibition of motion pictures*, between Los Angeles on the one hand, and, on the other, points in Arizona on and south of a line beginning at the junction of Interstate Hwy. 10 and the Arizona-California State line, then along Interstate Hwy. 10 to junction U.S. Hwy. 60, then over U.S. Hwy. 60 to junction U.S. Hwy. 70 at Globe, AZ, then over U.S. Hwy. 70 to its intersection with the Arizona-New Mexico State line. Representative: Theodore W. Russell, attorney at law, 1545 Wilshire Blvd., Los Angeles, CA 90017.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16665 Filed 6-3-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY 5-76]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 29, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to

comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 142629 (Sub-4), filed May 13, 1981. Applicant: ED HOPSON PRODUCE COMPANY, INC., P.O. Box 3287, Oxford, AL 36203. Representative: John W. Cooper, P.O. Box 56, Mentone, AL 35984, 205–634–4885. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154989 (Sub-1), filed May 19, 1981. Applicant: JAMES N. ALLEN, INC., 308 Leasure Way, New Bethlehem, PA 16242. Representative: James N. Allen (same address as applicant), (814) 275–4064. Transporting *general commodities*, between Gerald, OH, Alum Rock, Blairs, Brightwood, Coverdale, Foxburg, Jefferson, Jewell, Kahles Siding, Library, Library Junction, McMurray, Parkers Landing, Ritts, St. Petersburg and Turkey, PA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

MC 156038, filed May 15, 1981. Applicant: MERLE D. SHEFFIELD, d.b.a. SHEFFIELD & GARDNER TRUCKING, P.O. Box 3469, Logan, UT 84321. Representative: Irene Warr, 311 S. State St., Suite 280 Salt Lake City, UT 84111, (801) 531–1300. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agriculture limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, between points in the U.S.

[FR Doc. 81-16667 Filed 6-3-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP5-94]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 29, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 121718 (Sub-5F), filed December 2, 1980, previously noticed (Republication) in the Federal Register issue of December 23, 1981. Applicant: MURPHY BONDED WAREHOUSE, INC., 4002 Mansfield Road, Shreveport, LA 71103. Representative: Edward A. Winter, 235 Rosewood Drive, Metairie, LA 70005. Transporting *General commodities* (except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in AR in and south of Sevier, Howard, Pike, Clark, Dallas, Calhoun, Bradley, and Ashley Counties, and those points in Texas in and east of Red River, Hopkins, Rains, Van Zandt, Henderson, Cherokee, Angelina, and Jasper Counties, to Shreveport, LA.

Note.—Purpose of republication to modify the authority as above.

MC 147028 (Sub-3), filed January 12, 1981, previously noticed in Federal Register issue of February 3, 1981. Applicant: MICHAEL L. GINEVRA, d.b.a. MICHAEL L. GINEVRA TRUCKING, 304 Kings Crown, San Antonio, TX 78233. Representative: Greg P. Steffire, 261 South Figueroa, Los Angeles, CA 90012, (213) 485–1081. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Reikes Crisa Corp., of Omaha, NE.

Note.—This republication changes the commodity description of the previous notice.

[FR Doc. 81-16006 Filed 6-3-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 93]

Motor Carriers; Permanent Authority Decisions; Restriction Removals, Decision-Notice

Decided: June 1, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restiction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 1041 (Sub-4)X, filed May 21, 1981. Applicant: B.N. CORKUM TRANSPORTATION COMPANY, a corporation, 326 Ballardvale Street, P.O. Box 429, Wilmington, MA 01887. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 2F, and 3F certificates to (1) broaden the commodity descriptions from wood pulp, finished paper and paper and paper products, to "pulp, paper, and related products" in the lead and Sub-No. 2; remove all exceptions from its general commodity authority except classes A and B explosives in the lead; (2) broaden cities to counties in Sub-Nos. 1 and 2, Andover, Lawrence and Wilmington, MA, with Essex and Middlesex Counties, MA; in Sub-No. 2, Winslow and Westbrook, ME, with Kennebec, and Cumberland Counties, ME; in Sub-No. 3, replace a facility at Saylesville, RI, with Providence County, RI; (3) delete "in bulk" restrictions in all referenced authority; (4) authorize radial service in lieu of existing one-way authority between the above counties and points in five New England States in Sub-Nos. 1, 2, and 3; and (5) authorize service to all intermediate points along a described regular route in the lead.

MC 85970 (Sub-54)X, filed May 13, 1981. Applicant: SARTRAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-No. 26 certificate to (1) broaden the commodity description by removing exceptions from general commodities (except classes A and B explosives), and (2) authorize service to all intermediate points on its regular route (4a) between Dyersburg and Nashville, TN.

MC 65668 (Sub-1)X, filed May 14, 1981. Applicant: P. J. CASEY & SON, INC., 40 Industrial Drive, Canton, MA 02021. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove the restrictions in its lead certificate to (1) broaden the commodity description to "furniture and fixtures, lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, metal products, and machinery" from kitchen fixtures (2) replace Boston, MA, with Suffolk, Norfolk, Middlesex, Essex, and Plymouth Counties, MA; and (3) authorize radial in lieu of one-way authority.

MC 106485 (Sub-24)X, filed May 13, 1981. Applicant: LEWIS TRUCK LINES, INC., P.O. Box 642, Lisbon, ND 58054. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 7, 10, 12, 13, 15, 20F, E1, and 23 certificates to (1) broaden its commodity descriptions from general commodities (with exceptions), to "general commodities (except classes A and B explosives)", in all of the above sub-numbers; (2) authorize service at all intermediate points where service is limited to specified intermediate points or no intermediate point service: in the lead, between Lisbon, ND, and Moorehead, MN; between Ellendale, ND, and Aberdeen, SD; between Hecla, SD, and Aberdeen, SD; between South St. Paul, MN, and Edgeley, ND; and between Lisbon, ND, and Moorehead, MN; in Sub-No. 7, between Aberdeen, SD, and Jamestown, ND; in Sub-No. 12, between Enderlin, ND, and junction ND Hwy. 32 and unnumbered highway south of Enderlin; in Sub-No. 15, between Fargo, ND, and Sisseton, SD; and between St. Paul, MN, and Sisseton, SD; in Sub-No. 20, between Mobridge, SD, and Mandan, ND; and in Sub-No. 23, between Leola, SD, and Aberdeen, SD; (3) replace terminal sites and/or cities with county-wide authority: in Sub-No. 10, off-route point terminal site located on MN Hwy. 49 in Eagan Township, Dakota County, MN, with Dakota

County, MN; and on irregular routes in Sub-Nos. 13 and El, Fargo, ND, and Cass County, ND; Moorehead, MN, with Clay County, MN; and Sisseton, New Effington, Hammer, Claire City, and Rosholt, SD, with Roberts County, SD; and (4) change one-way to radial authority between Sisseton, SD, and points within 35 miles thereof, and, South St. Paul, MN, in Sub-No. 13.

MC 111401 (Sub-621)X, filed May 11, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Alvin J. Meiklejohn, Jr., 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Applicant seeks to remove restrictions in its Sub-Nos. 284, 430, 443, 449, 463, 473, 480, 481, 499, 505, 511F, 520F, 521F, 529F, 535F, 539F, 542F, 549F and 581F certificates to (A) broaden the commodity descriptions to (1) "commodities in bulk" from chemicals and/or liquid chemicals, in Sub-No. 284, 430 part (3) 443, 449, 480, 499 part (4) 520F part (3), 521F, 529F, part (1) and 539F; petroleum products in Sub-Nos. 430 part (2), 521F, 542F part (3) and 549F; flour, in Sub-No. 463; sulphuric acid, in Sub-No. 473; anyhdrous ammonia, nitrogen fertilizer solutions and urea liquor, in Sub-No. 481; sodium bichromate solutions, toxaphene solutions and creosote oil, in Sub-No. 499; alumia, slurry and antifreeze, in Sub-No. 505; lubricating oil, in Sub-Nos. 511F and 542F; natural latex and liquid fertilizer solutions, in Sub-No. 520F; phosphorus trichloride, in Sub-No. 529F part (2); chrome sulphate and soybean oil, in Sub-No. 542F; and tallow, in Sub-No. 581F, (2) "food and related products" from meats, meat products and meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the *Descriptions* case, in Sub-No. 535F, and, (3) "chemicals and related products" from urea, in Sub-No. 430 part (1); (B) remove the restriction prohibiting the transportation of specified commodities, in Sub-Nos. 430, 449, 473 part (2), 480, 521F and 535F; (C) remove the "foreign commerce" restriction, in Sub-No. 499 part (4); (D) remove the "originating at and/or destined to" restriction, in Sub-Nos. 443, 511F, 535F and 581F; (E) remove the "in bulk" and/or "in tank vehicles" restriction, in all certificates; (F) remove the restrictions prohibiting service to (a) AK and HI, in Sub-Nos. 449, 473 part (2) and 539F, (b) the origin State of LA, in Sub-Nos. 539F, and 449; (G) change plantsite or city-wide authority to county-wide authority: Garyville, LA to St. John The Baptist Parish, LA, in Sub-Nos. 284 and 449; Lawrence, KS to Douglas County, KS, Crossett, AR to Ashley County, AR, and Columbus, OH to Franklin County, OH, in Sub-No. 430; Enid, OK to Garfield County, OK, in Sub-No. 463; Borger, TX to Hutchinson County, TX and Norman, OK to Cleveland County, OK, in Sub-No. 473; Odessa, TX to Ector County, TX, in Sub-No. 480; Woodward, OK to Woodward County, OK, in Sub-No. 481; Corpus Christi, TX to Nueces County, TX, Los Fresnos, TX to Cameron County, TX, Altus, TX to Jackson County, TX, Lone Star, TX to Morris County, TX, Bossier City, LA to Bossier Parish, LA and Pascagoula, MS to Jackson County, MS, in Sub-No. 499; Bauxite, AR to Saline County, AR and Abbeville, LA to Vermillion Parish, LA, in Sub-No. 505; Houston, TX to Harris County, TX, Blair, NE to Washington County, NE and Arab, AL to Marshall County, AL, in Sub-No. 520F; Pensacola, FL to Escambia County, FL, and Le Moyne, AL to Mobile County, AL, in Sub-No. 529F; Dodge City, KS to Ford County, KS, in Sub-No. 535; Lake Charles, LA to Calcasieu Parish, LA, in Sub-No. 539F; Amarillo, TX to Potter County, TX, in Sub-No. 542; Wichita, KS to Sedgwick County, KS, Tulsa, OK to Tulsa County, OK and Princeton, LA to Bossier Parish, LA, in Sub-No. 542; and Oklahoma City, OK to Oklahoma County, OK, in Sub-No. 549; (H) authorize radial authority to replace existing one-way service between points in various combinations of States throughout the U.S. and (G) remove the restriction against tacking the authority with other authority held by the carrier in Sub-No. 284.

Note.—Applicant's ability to tack will be governed by 49 CFR 1042.10(b).

MC 115840 (Sub-126)X, filed May 7, 1981. Applicant: COLONIAL FAST FREIGHT LINES, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Chester G. Groebel (same as above). Applicant seeks to remove restrictions in its lead and Sub-Nos. 17, 54, 61, 73, 76, 90, 100G (Parts 4, 17 and 23) and 114 certificate and E-letter notices 9 (Parts 1, 2 and 3), 11, 12, 73 (Parts 1 and 2), 109, and 119 (Part 3) to (1) broaden the commodity descriptions to (a) "metal products and commodities the transportation of which because of size or weight require the use of special equipment," from iron and steel mill products and commodities the transportation of which because of their size or weight require the use of special equipment and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size of weight require the use of special equipment, in its lead certificate; (b) "building materials as described in App. VII 61 MCC 209, through 229 of the *Descriptions* case," from insulating materials and mineral wool, loose or in packages, in Sub-No. 17; cast, reinforced and prestressed concrete and concrete products, in Sub-No. 54; bituminous fiber conduit, in Sub-No. 61; plastic pipe, plastic fittings, connections, valves, hydrant, extrusions, and gaskets (except commodities in bulk) and materials, equipment and supplies used in the manufacture of the above commodities, in Sub-No. 76; plastic pipe, plastic molding, plastic valves, plastic fittings, plastic siding and accessories and materials used in the installation thereof (except commodities in bulk), in Sub-No. 90; such fibre pipe and fibre pipe fittings, iron and steel, and iron and steel articles (except in bulk) as are used in the operation, production, processing or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, in Sub-No. 100G (Part 4); and, cast, reinforced in prestressed concrete, and concrete products the transportation of which because of size or weight require the use of special equipment, in E-letter notice 11, (c) "agricultural machinery implements and parts as described in App. VI 61 MCC 209 of the *Descriptions* case," from farm tractors and related machinery, tools, parts and supplies, moving in connection therewith, in Sub-No. 73; iron and steel farm implements (except commodities which because of their size or weight require the use of special equipment), in E-letter notice 9 (Parts 1, 2, and 3); farm implements encompassed in iron and steel mill products and farm implements the transportation of which because of their size or weight require the use of special equipment and related machinery parts and related contractors' materials and supplies composed of farm implements, when their transportation is incidental to the transportation of the above commodities when by reason of size or weight require the use of special equipment, in E-letter notice 12; pipe, fittings, iron castings, accessories, sand hoppers, conveyors, dust collectors and meter boxes which are used in the agricultural, water treatment, food processing and institutional supply industries, in E-letter notice 73 (Parts 1 and 2); and farm tractors and related machinery, tools, parts and supplies moving in connection therewith (restricted to commodities which are transported on trailers), in E-letter notice 109(d) "machinery and building materials, as described in App. VI 61 MCC 209 of the *Descriptions*

case," from such iron and steel articles and contractors' equipment, materials and supplies (except cement and commodities in bulk), used in the operation, production, processing or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, in Sub-No. 100G (Part 17 and (e) "metal products" from such valves, hydrants, fittings, components, parts and accessories (except in bulk), as are used in the operations, production, processing or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors and meter boxes, in Sub-No. 100G (Part 23); zinc slabs, dust, oxide, residue, dross and skimmings, lead sheet and metallic cadmium, and materials, equipment and supplies used in the manufacture and distribution of the foregoing commodities, in Sub-No. 114; and aluminum pipe, aluminum valves, and aluminum hydrants which because of size or weight require the use of special equipment, and aluminum fittings, and aluminum gaskets (except in bulk), when their tansportation is incidental to the transportation of commodities named above, in E-letter notice 119 (Part 3); (2) remove plantsite restrictions (a) at Marietta and Atlanta, GA, in Sub-No. 54 and E-letter notice 11; (b) in Jefferson County, AL, in Sub-No. 61; (c) Rockaway, NJ, in Sub-No. 76; and (d) Williamsport, MD, in Sub-No. 90; (3) broaden the city-wide service to county-wide authority (a) Jefferson and Shelby Counties, AL, from Birmingham, AL, and points within 10 miles thereof, in its lead certificate and E-letter notice 12; (b) Jefferson County, AL, from Birmingham and Leeds, AL, in Sub-No. 17; (c) Cobb, DeKalb, Clayton, and Fulton Counties, GA, from Marietta and Atlanta, GA, in Sub-Nos. 54 and E-letter notice 11; (d) St. Charles, Orleans, Plaquemines and St. Bernard Counties, LA, from new Orleans, LA, in Sub-No. 73, and, E-letter notices 9 (Part 1) and 109; (e) Morris County, NJ, from Rockaway, NJ, in Sub-No. 76; (f) Washington County, MD, from Williamsport, MD, in Sub-No. 90; (g) Beaver County, PA, from Josephtown, PA, in Sub-No. 114; (h) Adams County, MS, from Natchez, MS, in E-letter notice 9 (Part 2); and, (I) Warren County, MS, from Vicksburg, MS, in E-letter notice 9 (Part 3); (4) remove the restriction prohibiting service to points in AK, and HI, in Sub-No. 76; and (5) authorize radial authority to replace existing one-way service between points in various combinations of southeastern States and points in the U.S., in Sub-Nos. 17, 54, 61, 73, 76, 90, 100G (Parts 4, 17 and 23), and, E-letter notices 9 (Parts 1, 2 and 3), 11, 12, 73 (Parts 1 and 2) and 109.

MC 117786 (Sub-134)X, filed May 11, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Applicant seeks to remove restrictions in its Sub-Nos. 22, 23, 27, 31, 41, 48, 49, 57, 61, 63, 64, 68, 69, 73, 75, 82, 84, 86, 90, 96, 97, 101, 103, 104, 107, 109, 110, and 111 certificates to (A) broaden the Commodity description in Sub-Nos. 23 from alcoholic beverages, to "food and related products" in Sub-No. 27, from nuts, bolts, and steel articles, to "metal products"; in Sub-No. 41, from (1) paper labels and tags, and (2) materials, equipment and supplies used in the printing and distribution of paper labels and tags, to "pulp, paper and related products"; in Sub-No. 49, from canned seafood and pet food, to "food and related products" in Sub-No. 57, from store display racks or stands, fibreboard, paperboard and paper and parts of the named commodities, knocked down or folded flat, to "store display racks, fibreboard, and pulp, paper and related products"; in Sub-No. 63, from (1) such merchandise as is dealt in by wholesale, retail, chain grocery and feed business houses, and (2) materials, ingredients and supplies used in the manufacture, distribution, and sale of the products in (1) above, to "(1) such merchandise as is dealt in by wholesale, retail, chain, grocery, and feed stores, and (2) supplies used in the manufacture, distribution and sale of the products in (1) above"; in Sub-No. 69, alcoholic beverages, to "food and related products" in Sub-No. 75, (1) paint, paint ingredients, putty, caulking and glazing compounds, adhesive cement and glue, and (2) such commodities as are used in the manufacture, production, and distribution thereof, to "paint, paint ingredients, adhesives, and related items, and (2) such commodities as are used in the manufacture and distribution of items in (1) above"; in Sub-No. 82, from frozen foods, to "food and related products"; in Sub-No. 84, paper and paper forms and products and commodities used in the manufacturing and distribution of paper and paper forms, to "pulp, paper and related products"; in Sub-No. 86, alcoholic beverages, in Sub-No. 104, alcoholic beverages, and in Sub-No. 107, alcoholic liquors and wines, to "food and related products"; and (B) broaden the territorial scope by (a) replacing one-way authority with radial authority in Sub-Nos. 22, 23, 27, 31, 41, 48, 49, 57, 61, 64, 68, 69, 73, 82, 84, 86, 96, 97, 101, 103, 104, and 110; (b) replacing named cities and terminal sites with counties: in Sub-No. 23, Franklin County, KY (Frankfort, KY) and Denver County, CO (Denver, CO); in Sub-No. 27, Los Angeles County, CA (Los Angles, CA), Maricopa County, AZ (Phoenix, AZ), Dallas County, TX (Dallas, TX); in Sub-No. 31, Oak Lawn County, IL (Bridgeview, IL); in Sub-No. 41, Montgomery County, OH (Dayton, OH); in Sub-No. 48, Coington County, KY (Ludlow, KY); in Sub-No. 49, San Diego County, CA (San Diego, CA); in Sub-No. 57, Montgomery County, OH (Dayton, OH); in Sub-No. 61, Franklin County, OH (Columbus, OH); in Sub-No. 63, Denver County, CO (Denver, CO)); in Sub-No. 64, Lawrence County, AL (Courtland, AL) and Harris County, TX (Pasadena, TX); in Sub-No. 69, Moore County, TN (Lynchburg, TN); in Sub-No. 75, Montgomery County, OH (Dayton, OH), Miami County, OH (Tipp City, OH), Cook County, IL (Alsip, IL), Dade County, FL (Miami, FL), Dallas County, TX (Dallas, TX), Los Angeles County, CA (La Mirada) and Santa Clara County, CA (San Jose, CA); in Sub-No. 84, Franklin County, OH (Columbus, OH) and Dallas County, TX (Dallas, TX); in Sub-No. 96, Washoe County, NV (Reno, NV), Alameda County, CA (Oakland, CA), Solano County, CA (Fairfield, CA), Harris County, TX (Houston, TX), Los Angeles County, CA (Los Angeles); in Sub-No. 101, Maricopa County, AZ (Phoenix, AZ); in Sub-No. 103, Montgomery County, OH (Dayton, OH); in Sub-No. 104, Denver County, CO (Denver, CO); in Sub-No. 107, Jefferson County, KY (Louisville, KY), Franklin County, KY (Frankfort, KY); Armstrong County, PA (Schenely, PA), and Coffee County, TN (Tullahoma, TN); in Sub-No. 109, El Paso County, CO (Colorado Springs, CO); and in Sub-No. 111, Hancock County, IA (Britt, IA), Cerro Gordo County, IA (Mason City, IA), Martin County, MN (Fairmont, MN), Eau Claire County, WI (Eau Claire, WI), Green County, WI (Monroe, WI), and Columbia County, WI (Portage, WI), (c) removing facility limitations, in Sub-No. 22, Cincinnati, OH; in Sub-No. 27, Los Angeles, CA, Phoenix, AZ; in Sub-No. 41, Dayton, OH; in Sub-No. 48, Ludlow, KY; in Sub-No. 61, Chicago, IL, Columbus, OH, Los Angeles, CA; Oakland, CA; in Sub-No. 63, Denver, CO; in Sub-No. 64, Courtland, AL, Pasadena, TX; in Sub-No. 73, Cincinnati, OH; in Sub-No. 75, Dayton, Tipp City, OH, Alsip IL, Baltimore, MD, Boston, MA, Atlanta, GA, Miami, FL, Dallas, TX, LaMirada, San Jose, CA; in Sub-No. 96, Reno, NV, Oakland, Fairfield, CA, Houston, TX, Los Angeles, CA, Kansas City, MO; in Sub-No. 97, Florence, KY; in

Sub-No. 104, Denver, CO; in Sub-No. 109, Colorado Springs, CO, in Sub-No. 110, Phoenix, AZ; in Sub-No. 111, Britt, IA, Mason City, IA, Fairmont MN, Kansas City, MO, Eau Claire, Monroe, Portage, WI, (c) removing "except in bulk" from Sub-Nos. 22, 64, and 111; removing "except frozen commodities and commodities in bulk" from Sub-No. 61; removing "except in bulk in tank vehicles" from Sub-No. 104; removing "except commodities in bulk and chemicals in containers" from Sub-No. 90; removing "except AK and HI from Sub-No. 110 and Sub-No. 75; removing "except hides" from (6) of Sub-No. 111.

MC 126310 (Sub-1)X, filed May 15, 1981. Applicant: MUIR TRUCKING SERVICE, INC., P.O. Box 368, Ivanhoe, CA 93235. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from iron and steel pipe to "metal products" and broaden the territory description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 129788 (Sub-20)X, filed May 22, 1981. Applicant: NASS TRUCK LINES, INC., P.O. Box H, Wenona, IL 61377. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 16F certificate to broaden the commodity description in part (1) from glass and glass products, to "clay, concrete, glass, or stone products" in connection with its operations between La Salle County, IL, and, MI, WI, IN, KY, MO and OH.

MC 134441 (Sub-8)X, filed May 18, 1981. Applicant: DESERT COASTAL TRANSPORT, INC., 3015 E. G Street, Ontario, CA 91764. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 7F certificates to (1) broaden the commodity descriptions to (a) "farm products" from seed, in Sub-No. 1 (part 1); (b) "food and related products" from bananas, Sub-No. 1 (part 7), frozen berries, in Sub-No. 1 (part 9), bananas in mixed loads with fresh fruits and vegetables, and fresh fruits and vegetables when moving at the same time and in the same vehicle with bananas, in Sub-No. 1 (part 10), and bananas when moving in mixed loads with fresh fruits and vegetables, in Sub-No. 7F; (c) "chemicals and related products and pulp, paper and related products" from fertilizer and waxed paper, in Sub-No. 1 (part 2); (d) "machinery and supplies, farm products, and containers," from farm machinery, agriculture commodities, bagging and ties for baling cotton, and empty containers for farm produce, in Sub-No. 1 (part 4); and (e) "chemicals and related products, lumber and wood products, and furniture or fixtures" from insecticides, fertilizer, lumber, and uncrated furniture, in Sub-No. 1 (part 5); (2) remove the restriction against traffic having a prior movement by water, in Sub-No. 7F; (3) change its one-way authorities to radial authorities between named points in CA and AZ; (4) replace cities with county-wide authority as follows: Los Angeles and Los Angeles Harbor with Ventura, Los Angeles and Orange Counties, CA, Arlington, Blythe, Berkeley, Downey, Norwalk, Santa Clara, Long Beach and Wilmington with Riverside, Alameda, Los Angeles, and Santa Clara Counties, CA, and Tucson and Phoenix with Pima and Maricopa Counties, AZ, in Sub-No. 1; and Port Hueneme with Ventura County, CA, in Sub-No. 7F; and (5) expand Yuma, AZ and 25 or 50 miles of Yuma, AZ to Yuma County, AZ, and Brawley, CA and 25 miles of Brawley, CA to Imperial County, CA, in Sub-No. 1.

MC 136635 (Sub-58)X, filed May 13, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-Nos. 13F and 34F certificates to (1) broaden the commodity descriptions from automotive parts and materials used in the manufacture of motor vehicles (except commodities in bulk), to "transportation equipment and materials, equipment and supplies used in the manufacture and distribution of transportation equipment" in both authorities; (2) replace facilities and city-wide authority with county-wide authority: facilities at (a) South Bend, IN with St. Joseph County, IN, in Sub-No. 13F, and (b) Indianapolis, IN, with Marion County, IN, in Sub-No. 34F.

MC 139294 (Sub-8)X, filed May 26, 1981. Applicant: H.T.L., INC., P.O. Box 122, Fairfield, AL 35064. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Applicant seeks to remove restrictions in its Sub-No. 5F certificate to (1) broaden the commodity descriptions from steel and steel products, equipment, materials, and supplies to "metal products"; (2) delete an "except commodities in bulk" restrictions; (3) delete facilities restrictions and broaden cities to county-wide authority: Gadsden and Fairfield, AL, with Etowah and Jefferson Counties, AL; and (4) authorize radial service in place of one-way authority between the counties named above and points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, VA and WV.

MC 141249 (Sub-6)X, filed May 22, 1981. Applicant: MALCOLM POWELL, d.b.a. POWELL TRUCKING, Route 1, Lumber City, GA 31549. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Applicant seeks to remove restrictions from its MC 141330 Sub-No. 1 permit to (1) broaden the commodity description from lumber to "building materials," and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 144502 (Sub-2)X, filed May 22, 1981. Applicant: INTERMODAL FREIGHT SYSTEMS, INC., 144 Pennsylvania Avenue, P.O. Box 423, Kearny, NJ 07032. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden its commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) remove the exception against service to AK and HI; and (3) remove the restriction requiring a prior or subsequent movement by rail.

MC 146090 (Sub-3)X, filed May 19, 1981. Applicant: WESTERN MOTOR EXPRESS d.b.a. WESTERN TRANSPORT, 7843 Chatfield Street, Whittier, CA 90606. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from wrought steel pipe, the transportation of which, because of size or weight, requires the use of special equipment, to "those commodities which because of their size or weight require the use of special handling or equipment"; (2) replace one way with radial authority; and remove the facilities limitations at Los Angeles County, CA to authorize service (a) between Los Angeles County, CA, and points in Los Angeles, San Bernardino and Riverside Counties, CA, and (b) between points in Los Angeles, San Bernardino and Riverside Counties, CA and points in Arizona.

MC 147452 (Sub-9)X, filed May 26, 1981. Applicant: W.D.W. TRUCKING, INC., 2620 S.W. 66th Terrace, Miramar, FL 33023. Representative: E. Stephen Heisley, 805 McLachlen Bank Building,

666 Eleventh Street, NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its MC-145692F permit to (1) broaden the commodity description from aluminum articles and building materials, and materials, equipment and supplies used in their manufacture and distribution to "metal products and building materials;" (2) to remove the commodities in bulk limitation, and (3) to broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 148150F (Sub-1)X, filed May 14, 1981. Applicant: BROTHERS TRUCKING, INC., R.D. No. 2, Manchester, PA 17345. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Applicant seeks to remove restrictions from its lead certificate to (1) remove the size and weight restriction for its iron and steel authority; (2) remove the originating at or destined to restriction; and (3) replace York, PA, with York County, PA, in its radial authority between York and numerous States.

MC 149397 (Sub-1)X, filed May 19, 1981. Applicant: HELEN REAGAN d.b.a. SOUTHEAST TRUCKING COMPANY, 8418 Tallmadge Road, R.D. No. 6, Ravenna, OH 44266. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity descriptions: in part (1), to "building materials", from dock levelers; in part (3), to "metal products", from reinforcing wire and reinforcing wire fabric; in parts (4), to "machinery", from equipment used in the manufacture of concrete pipe; replace facilities with county-wide authority; in part (1), facilities at or near Clare, MI, and Cudahy, WI, with Clare County, MI, and Milwaukee County, WI; in parts (2), (3) and (4), facilities at or near Mogardore, OH, with Summit County, OH; in parts (3) and (4), facilities at or near Palmyra, Uhrichsville, and Newton, OH, Portage, MI, and Croydon and Oakdale, PA, with Portage, Tuscarawas, and Hamilton Counties, OH, Kalamazoo County, MI, Croydon, PA, and Allegany County, PA; in part (3) facilities at or near Relay, MD, with Baltimore County, MD; and in part (5), Palmyra Township, OH, with Portage County, OH; and (3) change its one-way to radial authority between the above-named points, and points in States in the eastern half of U.S.

[FR Doc. 81-16602 Filed 6-3-81; 8:45 am]

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[Volume No. 62]

Permanent Authority Decisions; Restriction Removals; Decision—Notice

Correction

In FR Doc 81-11844, at page 22669, in the issue of Monday, April 20, 1981, on page 22677, the first column, last paragraph, in the first line, correct "MC-15183 (Sub-2)X" to read "MC-151813 (Sub-2)X".

BILLING CODE 1505-01-M

[Docket No. AB 19 (Sub-49F)]

Baltimore & Ohio Railroad Co. and Buffalo, Rochester & Pittsburgh Railway—Abandonment in the City of Rochester, Monroe County, NY; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a certificate and decision decided May 19, 1981, a finding, was made by the Commission, Review Board Number 3, stating that the present and future public convenience and necessity permit the abandonment by the Baltimore and Ohio Railroad Company and the Buffalo, Rochester and Pittsburgh Railway Company of segment of their line known as the Rochester Belt Line between railroad valuation stations 364 + 17 (milepost 6.89) and 461 + 59.4 (milepost 8.74) a distance of 1.85 miles, located in the City of Rochester, Monroe County, NY, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

A certificate of public convenience and necessity (served with the decision) will be issued to the Baltimore and Ohio Railroad Company and the Buffalo, Rochester and Pittsburgh Railway Company based on the above-described finding of abandonment 30 days after publication of this notice. However, issuance will be delayed if: (1) an appeal is filed and considered; or (2) within 15 days from the date of publication the Commission further finds that:

(a) a financially responsible person (including a government entity) has offered financial assistance (in the form or a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417 Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(b) it is likely that such proffered assistance would: (i) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(ii) cover the acquisition cost of all or any portion of such line of railroad.

An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extension or modifications) is in effect. Information and procedure regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448 effective October 1, 1980). All interested persons are advised to follow the instructions continued therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16484 Filed 6-3-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 80-34]

Big-T Pharmacy, Inc.; Hearing

Notice is hereby given that on October 15, 1980, the Drug Enforcement Administration, Department of Justice, issued to Big-T Pharmacy, Inc., William M. Osborne, President, Newport, Tennessee, an Order To Show Cause as to why the Drug Enforcement Administration should not revoke Respondent's DEA Certificate of Registration AB6792825.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, June 9, 1981, in Courtroom No. 214, U.S. Courthouse, 501 W. Main Street, Knoxville, Tennessee.

Dated: May 27, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-16402 Filed 6-3-81; 8:45 am]

BILLING CODE 4410-09-M

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants by the City of Spearfish, South Dakota

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 20, 1981, a proposed consent decree in *Butte-Lawrence Water Quality Association, Inc., et al.* v. *City of Spearfish, et al.*, C.A. No. 79-5015; *United States* v. *City of Spearfish, et al.*, C.A. No. 79-5024 (D.S.D.) was lodged with the United States District Court for the District of South Dakota. The proposed consent decree establishes a schedule of compliance for construction of an advanced secondary sewage treatment facility by the City of Spearfish, South Dakota under an EPA grant which will eliminate the illegal discharge of pollutants from the present lagoon treatment facility. In addition, the proposed decree requires the payment of stipulated penalties for violation of certain of its provisions in the amount of $500.00 per day.

The proposed consent decree may be examined at the office of the United States Attorney, 317 Federal Building & U.S. Courthouse, 515 Ninth Street, Rapid City, South Dakota 57701; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2644, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice. The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to *Butte-Lawrence Water Quality Association, Inc., et al.* v. *City of Spearfish, et al.*, C.A. No. 79-5015; *United States* v. *City of Spearfish, et al.*, C.A. No. 79-5024 (D.S.D.) DOJ Reference #90-5-1-4-85.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-16593 Filed 6-3-81; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Require Compliance by the City of Erie, Pennsylvania Wastewater Treatment Plant With Its NPDES Permit and the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 15, 1981, a proposed consent decree in *United States* v. *The Erie Sewer Authority, the City of Erie, the Commonwealth of Pennsylvania, and Hammermill Paper Company* (W.D.Pa., No. 76-136) was lodged with the United States District Court for the Western District of Pennsylvania. The proposed consent decree settles a lawsuit field by the United States on behalf of the Environmental Protection Agency ("EPA") against the Erie Sewer Authority and the City of Erie which alleged violations of its NPDES discharge permit and the Clean Water Act by the Erie wastewater treatment plant. The Commonwealth of Pennsylvania was joined as a defendant pursuant to Section 309(e) of the Clean Water Act which requires that a state be a party to any action filed against a municipality under the Act.

Under the terms of the proposed consent decree, the Erie Sewer Authority ("Authority") and the City of Erie ("City") have agreed to meet the terms of the NPDES permit by mid-1982, at the earliest, 1984 at the latest, depending on the effect of various control measures to be taken. They have agreed to install four new dissolved air flotation thickeners, to study and make recommendations concerning the feasibility of chemical treatment, the effect of projected increases in loading from the principal industrial contributor, Hammermill Paper Company, and the sludge handling and disposal process. The parties have agreed to implement those recommendations which are approved by EPA. In addition, the City agrees to calibrate its monitoring meters and to take other measures to insure that those meters are in consistent operating condition. Further, the City and Authority have agreed to enforce the terms of a flow and loading agreement between them and Hammermill Paper Company in the event that exceedances result in noncompliance with the NPDES permit.

The proposed decree provides stipulated penalties for failure to comply with many of its requirements, the penalties to be paid into a trust fund to be used solely for projects which exceed the requirements of law. Upon entry of this proposed decree by the Court, the City and Authority will receive one-half of the balance of their secondary treatment grant which had been withheld by EPA, the rest to be refunded once certain steps required unde the proposed decree have been accomplished.

The proposed decree does not settle the lawsuit filed by the United States against the Hammermill Paper Company in this same action. That lawsuit is the subject of a separate settlement which is currently under review by the Department of Justice.

The proposed consent decree may be examined at the Clerk's office, United States District Court for the Western District of Pennsylvania, United States Courthouse, Sixth and State Streets, Erie, Pennsylvania 16501 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1252, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. There is a copying charge of $2.40 reflecting a rate of $.10 per page for the 24-page decree. Checks should be made payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *The Erie Sewer Authority, et al.*, D.J. Ref. 90-5-1-1-609.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-16594 Filed 6-3-81; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

United States v. Halifax Hospital Medical Center, et al.; Comments on Proposed Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comments on the proposed judgment filed with the United States District Court for the Middle

District of Florida in *United States v. Halifax Hospital Medical Center, et al.* Civil Action No. 78–554–Orl–CIV–Y, were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

In the matter of United States of America, Plaintiff, v. *Halifax Hospital Medical Center; Volusia County Medical Society, Inc.,* Defendants.

Civil Action No. 78–554–Orl–CIV–Y.

plaintiff's response to comments on the proposed final judgment.

The plaintiff has received three comments on the proposed Final Judgement as to defendant Halifax Hospital Medical Center which relate to portions of Paragraph V. Copies of these comments are attached; these letters and this response will be promptly published in the **Federal Register** as required by 15 U.S.C. 16(d).

A. Response to Comments by Robert E. Nord, Esq.

By letter dated April 16, 1981, Robert E. Nord, Esq. objected to the underlined portion of Paragraph V of the proposed decree:

Defendant Center is enjoined and restrained from establishing or maintaining a professional procurement committee or any other committee, and from adopting or engaging in any policy, practice or procedure, whose purpose or foreseeable effect is to discourage and physician from seeking medical staff privileges at the Center, or to exclude any physician from the center's medical staff:

(1) because such physician is affiliated, or proposes to affiliate, with an HMO; or

(2) *because of any purported lack of need for additional physicians in such physician's area of specialization;*

provided, however, that nothing in this paragraph V shall prevent the Center from entering into contracts with one or more physicians or physician practice groups providing for the exclusive provision at the Center of medical specialties which are principally hospital-based.

Mr. Nord characterizes the provision in question as one with anticompetitive ramifications. However, he does not set forth his reasoning in reaching this conclusion. Rather he contends that quality-of-care requires that hospitals have the option of restricting the number of physicians in certain areas of medical specialization.

In the government antitrust suits, the provisions of a proposed Final Judgement relate to a specific factual context. In this case the government contended that the defendant discouraged non-local physicians from making applications for medical staff privileges by establishing a so-called procurement committee. Based on a telephone survey of the already-privileged physicians in a prospective applicant's medical specialty, the committee sent letters to prospective applicants stating that there was "no professional need" in the community for additional physicians in their specialty. Although we contend this practice was set up in response to a perceived threat that the local health maintenance organization (HMO) was recruiting non-local physicians, the government's evidence would show that this practice also affected various physicians who had no intention to affiliate with the HMO. The commentator's suggestion, therefore, that any anticompetitive conduct could be met by merely enjoining the hospital's exclusionary practices directed at HMO physicians is inconsistent with the facts the government would have attempted to prove at trial.

The decree prohibits the hospital from using two criteria—affiliation with HMOs or purported lack of need for another physician in a particular specialty—as grounds for discouraging or denying staff privileges. It does not prohibit the hospital from setting objective standards relating to physician qualifications or quality of medical care. In our view, this decree would not prevent the defendant from limiting the use of certain of its facilities provided that it had ascertained by objective standards (and not those prohibited by this injunction) that there was reason to believe that the quality of health are of its patients was or would be affected if such actions were not taken and if the solution adopted directly addressed the quality of care question and was applied objectively and non-discriminatorily.

The standard by which the Court must determine the public interest is whether the provisions are consistent with the allegations in the complaint and the enforcement of the antitrust laws. *United States v. Associated Milk Producers, Inc.*, 394 F. Supp. 29 (WD Mo. 1975), *aff'd* 534 F.2d 113 (8th Cir.); *U.S. v. Gillette Co.*, 406 F. Supp. 713 (D. Mass. 1975); *U.S. V. Morgan Drive Away, Inc.*, 1976–1 Trade Cases ¶60,949 (D.D.C. 1976). The provision at issue is consistent with the allegations in the complaint and with the evidence underlying those allegations. The provision's inclusion in this matter will have no effect on enforcement of the antitrust laws in other factual contexts.

B. Response to Comments by James E. Pohlman, Esq.

Mr. Pohlman objects in his letter, dated May 8, 1981, to a different portion of Paragraph V. His concern is with the limiting proviso which states:

provided, however, that nothing in this Paragraph V shall prevent the Center from entering into contracts with one or more physicians or physician practice groups providing for the exclusive provision at the Center of medical specialties which are principally hospital-based.

The argument advanced by Mr. Pohlman is based on his mistaken interpretation that this provision constitutes "judicial authorization" for, and unconditionally condones, exclusive contracts between hospitals and physicians. The decree neither condones nor condemns such practices. The proviso merely excludes them from coverage by the decree. Without such a provision, any and all exclusive contracts would have fallen within the injunctive provisions of subparagraph (2). Exclusive contracts are not *per se* illegal and should any exclusive contract unreasonably restrict competition it would, of course, still be subject to antitrust challenge. Since this practice was not involved in the lawsuit, it was appropriately excluded from the decree's injunctive provisions.

The standard for the public interest determination, whether the provisions are consistent with the allegations and the enforcement of the antitrust laws, *supra*, is met with respect to Mr. Pohlman's concerns. The proviso is not inconsistent with the allegations and its inclusion is a necessary limitation on the preceding subparagraph (2).

C. Response to Comments by Rickart F. Pfizenmayer, Esq.

Mr. Pfizenmayer challenges the limiting proviso in Paragraph V as vague and as unnecessarily endorsing the practice of exclusive contracts between hospitals and physicians. He urges that at a minimum the proviso be redrafted to expressly exclude anesthesiologists and that the Department solicit the views of the Federal Trade Commission as to the antitrust merits of exclusive contracts.

The government submits, as in the preceding response, that the proviso excludes from coverage of the decree an issue which was not within the scope of the lawsuit. With respect to the inclusion or exclusion of given medical specialties, we suggest that general

terminology is desirable since the practice, irrespective of who are parties to any such contracts, is not before the court.

Conclusion

The plaintiff respectfully submits that entry of the proposed decree is in the public interest.

Dated: May 21, 1981.

Respectfully submitted,

Terrence F. McDonald, Esq.,

Attorney, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, Tel: (202) 633–3082.

Certificate of Service

I, Terrence F. McDonald, Esq., counsel for the plaintiff, United States of America, certify that a copy of Plaintiff's Response to Comments on the Proposed Final Judgment have been served on the 22nd of May, 1981 by hand on counsel for the defendant, Owen M. Johnson, Jr., and by first class mail, postage prepaid on William Crotty, Esq., counsel for the defendant, Post Office Box 5488, Daytona Beach, Florida 32018.

Terrence F. McDonald,

Attorney, U.S. Department of Justice, Washington, D.C. 20530.

April 16, 1981.

Re: *U.S. vs. Halifax Hospital Medical Center.*

Mr. John W. Poole, Jr.,

Chief, Special Litigation Section, Antitrust Division, U.S. Department of Justice, 10th & Pennsylvania Avenue, N.W., Room 7218, Washington, D.C. 20530.

Dear Mr. Poole: I have reviewed with interest the proposed Consent Decree in *U.S. vs. Halifax Hospital Medical Center*, and note, with particular interest, that portion of the Decree which would foreclose the right of the hospital to restrict the number of physicians holding privileges at the hospital to perform certain procedures by reason of the fact that there are already sufficient physicians with privileges in a particular area to satisfy needs. I seriously question whether any provision of this nature is necessary to the proposed Decree, and object to its inclusion because of its anticompetitive ramifications.

There are two major drawbacks to the particular provisions in the consent decree to which I refer:

1. It apparently limits the hospital's ability to assure that the individual physician seeking staff privileges to perform certain procedures actually has the opportunity to perform a particular number of surgical procedures of a defined character in order to maintain his professional proficiency. Unless the physician performs a particular procedure a certain number of times each month, or each year, that physician can no longer legitimately hold himself out as being professionally competent to perform that procedure.

2. The hospital may not control the manner in which professional responsibility for patient care is managed. I have personally represented a large hospital (800-bed) which had to halt the performance of cardiac surgery because of a high mortality rate. Two different physician groups included several physicians who had privileges to perform cardiac surgery; the professional background, board certification, training and skill of the physicians was well established. Nevertheless, the hospital determined that by diffusing responsibility for post-operative patient care among the different groups of physicians, the quality of the care—and indeed the very lives of patients—was adversely effected. In other words, proper health care—particularly in the context of surgery—requires a continual service by the physician most interested in the patient.

I have been involved with several antitrust suits involving organizations and institutions involved in the field of health care, and recognize that it is important to protect the competitive opportunities of physicians and others practicing in the context of health maintenance organizations, particularly where organized resistance by individual providers of health care is encountered. Nevertheless, the particular provision in the Consent Decree would restrict the hospital's opportunity to consider and apply important criteria in granting hospital staff privileges to individual physician applicants. I do not believe that it is necessary to the Decree which is being entered, and it represents a superficial understanding of some of the unique characteristics of the health care "industry". The legitimate need to avoid concerted anticompetitive conduct by the hospital can be adequately met by enjoining it from using the existing needs of the hospital for certain medical specialists for the primary purpose of excluding from the medical staff physicians practicing with HMO's.

I understand that you will provide a copy of these comments to the Court. Please advise me if that understanding is in error.

Very truly yours,

Robert E. Nord.

May 8, 1981.

Re: *United States v. Halifax Hospital Medical Center, et al.*; Civil Action No. 78–554–Orl–CIV–Y.

Mr. John W. Poole, Jr.,

Chief, Special Litigation Section, Antitrust Division, U.S. Department of Justice, 10th & Pennsylvania Avenue, N.W., Room 7218, Washington, D.C. 20530.

Dear Mr. Poole: We have reviewed in the **Federal Register** of March 18, 1981, the proposed Final Judgment as to Defendant, Halifax Hospital Medical Center in the above-captioned case. On behalf of our client, the Ohio Society of Anesthesiologists ("OSA"), and pursuant to 15 U.S.C. § 16(b), we are submitting the following comments. We understand that you will file a copy of these comments with the court.

The main concern of the OSA is with Section V of the Final Judgment which enjoins the defendant from discouraging any physician from seeking staff privilege, either because the physician is affiliated with a health maintenance organization ("HMO"), or because of an alleged lack of need for physicians in any given specialty. The conclustion of this section contains the following provision:

provided, however, that nothing in this paragraph V shall prevent the Center from entering into contracts with one or more physicians or physician practice groups providing for the exclusive provision at the Center of medical specialties which are principally hospital-based.

We question the advisability of these language reasons.

First, this explicit authorization of exclusive contracts in unnecessary under the facts before the court. The gravamen of the complaint in this case was that the defendants had conspired to impair the ability of an HMO to operate in the area. The conduct challenged by the government related to specific acts of discrimination against HMO's and their members. Thus, while these specific acts may be enjoined, it is unneccessary to give a judicial authorization for exclusive contracts between hospitals and physicians.

Second, by unconditionally condoning exclusive contracts between hospitals and physicians, the above-quoted section would circumvent established precedents dealing with the analysis of exclusive contracts. Federal antitrust law traditionally has analyzed exclusive arrangements on a case-by-case basis under the rule of reason. *See, e.g., Tampa Electric Company v. Nashville Coal Company*, 365 U.S. 320 (1961). Under the state and federal decisions dealing with exclusive contracts between physicians and hospitals, moreover, courts consistently have examined all relevant factors concerning the challenged arrangement. *Hyde v. J. Jefferson Parish Hospital District No. 2*, (Case No. 78–750, E.D. La., decided January 26, 1981); *Radiology Prof. Corp. v. Trinidad*, 195 Colo. 253, 577 p.2d 748 (1978) (and cases cited therein). The cited passage from the proposed Final Judgment does not recognize the need for such a case-by-case analysis.

We hope that these comments have been helpful. If you would wish any additional information or would have any questions concerning these comments, please contact us.

Very truly yours,

James E. Pohlman.

May 18, 1981.

Re: United States v. Halifax Hospital Medical Center—Proposed Final Consent Judgment, 46 Fed. Reg. 17314 (March 18, 1981).

John W. Poole, Jr.,

Chief, Special Litigation Section, Antitrust Division, U.S. Department of Justice, 10th & Pennsylvania Avenue, N.W., Room 7218, Washington, D.C. 20530.

Dear Mr. Poole: This firm acts as counsel to The American Society of Anesthesiologists ("ASA"), a national medical organization composed of approximately 17,500 physicians engaged in the practice of anesthesiology. On behalf of ASA, we object to the inclusion in the Final Judgment in *United States v. Halifax Hospital Medical Center*, Civil Action No. 78–554–Orl–CIV–Y, of the proviso to Paragraph V which states:

* * * that nothing in this paragraph V shall prevent the Center from entering into contracts with one or more physicians or physician practice groups providing for the exclusive provision at the Center of medical specialties which are principally hospital-based.

That proviso is vague, is unnecessary to securing relief for the conduct which is the subject of the complaint, and, without full consideration of the pertinent facts or of the issues raised, gives unconditional Justice Department and Court sanction to exclusive arrangements between hospitals and certain favored medical specialists which are both anticompetitive and detrimental to quality patient care.

* * * * *

In the first instance, it is not clear which medical specialties are "medical specialties which are principally hospital-based" and thus covered by the proviso. Some medical specialties, such as pathology and radiology, are usually in some form of employment or agency relationship with the hospital and are frequently characterized as "hospital-based." So characterizing and including anesthesiologists is inappropriate and lacks any substantial basis in fact. It is, of course, true that most of the medical services of anesthesiologists are performed within the physical confines of a hospital. However, with only minor percentage exception, anesthesiologists perform their services as independent medical professionals, and are compensated for these services on the basis of a fee charged to the individual patient. They are no more "hospital-based" than, for example, are surgeons, invasive cardiologists and obstetricians, who are part of the medical care team with which the anesthestiologist is most frequently involved and who similarly perform most of their services in a hospital. At a minimum, therefore, the proviso should be redrafted to clarify which specialists are covered and to exclude anesthesiologists.

Definitional deficiencies aside, the proviso sanctioning exclusive arrangements is a gratuitous license which goes beyond the issues raised by the complaint and is unnecessary to a settlement of those issues. The complaint is directed at activities of the Defendant Center and of the local county medical society alleged to have impaired the ability of a local health maintenance organization to compete in health care delivery. Included among these activities were discouraging non-local physicians contemplating affiliation with the HMO from locating in the county and denial of staff appointments to physicians contemplating affiliation with the HMO. The exclusive contracts excepted by the proviso from the operation of Paragraph V's prohibitions against denying physicians medical staff privileges must have nothing to do with the existence of the HMO and the affiliation of individual physicians with the HMO. If they did, presumably the Department of Justice would not have agreed to the proviso since to do so would have permitted a vestige of discrimination against HMO-affiliated physicians to remain uncorrected. The proviso thus goes beyond the issues raised in the complaint.

One can speculate that the proviso was justified by the Defendant Center as a clarification of Paragraph V's prohibition against denying a physician medical staff privileges "because of any purported lack of need for additional physicians in such physician's area of specialization." However, it is indeed ironic, if not anomalous, that a proposed consent decree which purports to eliminate anticompetitive restrictions on medical staff privileges permits a particular exclusionary practice without any analysis of the anticompetitive impact of such practice. This is expecially troubling since the apparent purpose could be achieved in a less anticompetitive manner more clearly related to the gravamen of the complaint. Quite simply, the part of the prohibition of Paragraph V in question could be dropped entirely since the prohibition against denying a physicians staff privileges "because such physician is affiliated, or proposes to affiliate, with an HMO" is sufficiently broad to cover any activity based on the improper discrimination. Alternatively, if it is deemed appropriate specifically to address the possible claim that additional physicians are not needed, that prohibition could be rephrased to prohibit the exclusion of any physician from the Center's medical staff:

because of any purported lack of need for additional physicians in such physician's area of specialization *where the purpose or foreseeable effect of exclusion on such basis is to deny the physician medical staff privileges because he is affiliated, or proposes to affiliate, with an HMO.* (change underlined)

This approach at least leaves open for future determination in light of the pertinent facts the question of whether exclusion from the medical staff on grounds other than HMO affiliation is a violation of the antitrust laws.

If that issue must be addressed with respect to exclusive contracts, it is submitted that the proviso is ill-conceived and ill-advised as a matter of substantive antitrust law and policy. What could be more anticompetitive than an agreement which *insures* that there will be no competition in the provision of anesthesiology services at a hospital? A monopoly is created by an agreement foreclosing otherwise qualified physicians from practicing their specialty in a hospital simply because another physician or practice group is favored by the hospital administration and the physicians seeking to practice in the hospital are unable, or unwilling, to enter into a financial arrangement with the physician or group having the exclusive contract. Further, such an arrangement in effect ties the provision of anesthesia services to the provision of hospital surgical facilities—a patient undergoing surgery or another procedure requiring anesthesia services is compelled to purchase those services from a single source. What opportunities that may have existed for competition among anesthesiologists by virtue of surgeon selection or patient request are thus eliminated.

In any event competition among anesthesiologists is restrained. Anesthesiologists are not like other physicians who have the privilege of admitting patients. The exclusion of those other physicians from the staff of a particular hospital does not eliminate competition so long as those physicians have privileges in some other hospital. They can compete with physicians having exclusive arrangements at one hospital by simply admitting their patients to another hospital. Anesthesiologists on the other hand usually are, and can be, retained only after a patient is admitted to the hospital. The existence of an exclusive contract in that hospital thus necessarily forecloses competition among anesthesiologists with respect to any actual or prospective patient in the hospital.

The scenario may vary—the physician seeking the opportunity to practice may have just completed his training and be entering private practice for the first time; he may be an experienced physician new to the community; or he may even be a physician who has been practicing in the hospital but who has left, or been forced out of, the group having the exclusive contract, or who has had his staff privileges terminated because of a newly created exclusive arrangement. Whatever the case, the effect is the same. The physician is denied the opportunity to practice. More importantly, patients are denied access to an alternative source of the medical service they need, which alternative may be less expensive, or higher quality, or both.

It is sometimes said that such exclusive arrangements are desirable, or perhaps even necessary, in order to assure quality service to patients on an efficient basis. In this vein it is asserted that such arrangements permit standardization of procedures, improved efficiency and personnel morale, better scheduling and availability of services, better supervision and training of physicians, technique specialization, facilitation of the exchange of information, and the enhancement of full utilization of expensive equipment. Even if valid, these justifications are insufficient as a matter of antitrust law. The United States Supreme Court has made it plain that the purpose of antitrust analysis is to assess a challenged restraint's impact on competitive conditions and that alleged public health, safety and welfare justifications for conduct which suppresses or destroys competition are not cognizable under the antitrust laws. *National Society of Professional Engineers* v. *United States*, 435 U.S. 679 (1978).

Even if admissible on some "market necessity" theory, as to anesthesiology these justifications do not have an inevitable basis in fact. In many hospitals throughout the country, the anesthesiology service is staffed by individual physicians and practice groups which have no financial relationship with the hospital or among themselves. The necessary organization of the service and scheduling of coverage are achieved through a departmental administration or through cooperation between the surgeons and the anesthesiologists with which they have established working relationships. Evidently, the anesthesia service in these hospitals operates satisfactorily since they have not found it necessary to impose an exclusive arrangement on the anesthesiology staff.

ASA agrees with this judgment and strongly opposes exclusive contracts in anesthesiology. It has found that exclusive contracts can lead to under-utilization of operating room time, create disincentives for providing optimal anesthesia care, and permit a hospital to abuse its responsibility to evaluate the qualifications of physicians seeking staff privileges. For these reasons, it is ASA's position that where a hospital's other clinical departments have open staffs, the anesthesiology staff should be open to any qualified anesthesiologist willing to share in the responsibilities for providing necessary anesthesia service. This position is embodied in Paragraph VI of the ASA Statement of Policy adopted by the ASA House of Delegates last October. A copy of the Statement of Policy if attached for reference.

It will be noted that this position is not an ethical constraint and that ASA is committed to a policy of competition among anesthesiologists. As part of a settlement of a Federal Trade Commission investigation of provisions in ASA's ethical documents relating to contract practice, ASA agreed to (and did) adopt the policy that and anesthesiologist is free to choose whatever arrangement he prefers for compensation of his professional services. It further agreed not to "coerce" anesthesiologists into practicing only on a fee-for-service basis. In this connection, it is certainly fair to ask why, if it is not proper for ASA to dictate that anesthesiologists structure their compensation arrangements in a manner believed by it to be in the best interests of quality patient care, it is not similarly improper for a hospital in the exercise of its monopoly power and in concert with others to force anesthesiologists to have a particular financial relationship with the hospital or another physician because its administration believes such an arrangement to be in the best interests of quality patient care. The fostering of a truly competitive market for anesthesiology services, not to mention simple equity, would require that coercion from another element of the market equation be avoided as well.

Finally, it is worth noting in passing that we are aware that the staff of the Federal Trade Commission has for some time been conducting an investigation into exclusive contracts for the provision of medical services. We do not know what the staff's position is, but it does not appear that there has been any consultation between the Department of Justice and the FTC on the proposed proviso. As the antitrust enforcement agency which has perhaps been the most aggressive in pursuing alleged anticompetitive activities in the health care industry, the FTC's views are certainly pertinent. We would hope that the FTC will comment on the proviso in question. If it does not, its views ought to be solicited by the Justice Department or the Court if it is determined that the subject of exclusive contracts must be addressed in this Final Judgement.

ASA strongly urges that these comments be given the most serious consideration. We understand that they will be submitted to the Court. If we can provide any additional information or can amplify these comments, we would be pleased to do so.

Sincerely,

Rickard F. Pfizenmayer.

[FR Doc. 81-16586 Filed 6-3-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-23]

Recommendations, Responses; Availability

Following investigation of the engine flameout occurring last March 25 on Bell 206L-1 helicopter, N 1077N, the Board on May 22 issued these "Class II, Priority Action" recommendations to the Federal Aviation Administration:

Issue an Airworthiness Directive to require that those Allison 250-C28 and -C30 engines identified by the manufacturer as having the PN 6899243, Revision A, splined adapters installed be removed from service. (A-81-59)

Review and evaluate the manufacturing processes and quality assurance procedures for these splined adapters to ensure product integrity and safety. (A-81-60)

Recent Responses from the Federal Aviation Administration—

A-76-31 through -44 (May 1).—Current status of recommendations, reported initially at 41 FR 15953, Apr. 8, 1976:

A-76-31: FAA is continuing research to determine magnitude of windspeed component changes during thunderstorms, expects to improve information on wind shear conditions using terminal area Next Generation Radar (NEXRAD), and may issue proposed rule on requirements for airborne wind shear systems.

A-76-32: FAA is implementing a Low-Level Wind Shear Alert System (LLWSAS) to detect the horizontal wind shear caused by thunderstorm gust fronts and strong cold fronts near airports; NEXRAD may help to detect, classify, and track thunderstorms; programs are underway to develop means to transmit hazardous weather information to the cockpit.

A-76-33: FAA has invested substantial R&D resources in developing sensors to detect variations in wind components, is increasing instrument landing systems (ILS's) at air carrier service airports, and is implementing the Microwave Landing System where an ILS is impractical. FAA's flight service station automation program will enhance transmittal of a hazardous weather information to the cockpit.

A-76-34: Too many variables are involved to require inclusion of the wind shear pentration capability of an airplane as an operational limitation in the operations manual, but FAA is preparing an advisory circular on installation and use of airborne equipment.

A-76-35: FAA is installing LLWSAS to provide comparison of windspeed and direction, sensed at remote locations on the airport, relative to those values sensed at center field locations.

A-76-36: FAA has 18 Air Route Traffic Control Centers (ARTCC's) with commissioned Center Weather Service Units (CWSU) and plans to install and test auto dial conference call capabilities in the CWSU at the Indianapolis ARTCC; plans use of FSS automation system components to disseminate weather information to FSS's and CWSU's; an operational test/evaluation of the Color Weather Radar System at Cleveland ARTCC is scheduled for completion by year's end.

A-76-37 through -41: FAA notes previous closing by official Board action.

A-76-42: FAA is developing equipment and procedures to permit transition from instrument to visual references during final segments of instrument approach, is implementing autoland by publication of procedures and certification of aircraft facilities and aircrews for Category III operations, is expanding implementation of ILS's to provide that service to a wider user group, and has underway installation of additional Visual Approach Slope Indicator systems (VASI) at some precision and nonprecision approach runways. FAA has amended 14 CFR Parts 91 and 121 to clarify criteria for commencing and continuing instrument approaches and instrument landing procedures and minimums. Joint FAA/NASA program to determine benefits to safety during transition attributable to a head-up display are expected in 1981. Approval of a head-up display for use on a supplemental basis has been completed on recently certificated DC-9-80.

A-76-43: A 4-year study shows that many problems involved in wind shear encounters may be avoided.

A-76-44: FAA believes the LLWSAS satisfied intent of this recommendation, which called for program to produce accurate and timely forecasts of wind shear in the terminal area.

A-76-80 and -81 (May 11).—Responds to Board letter of Sept. 22, 1980, commenting on response of Sept. 8, 1976. FAA issued, Feb. 4, 1980, Amendment 25-51 revising 14 CFR 25.785 to upgrade safety requirements for flight attendant seats, and Amendment 121-155 revising 14 CFR 121.311 to retroactively apply § 25.785 flight attendant seat requirements to airplanes in air carrier operations. FAA is revising TSO-C39a, Aircraft Seats and Berths, to include specific dimensional and energy absorption requirements for flight attendant seats, and TSO-C22 to include requirements for shoulder harness installations. (Ref. 41 FR 41767, Sept. 23, 1976)

A-78-23 through -26 (May 15).—Supplements June 27, 1978, response. FAA has completed analysis of helicopter pilot workload and is now on a helicopter accident analysis program to classify accidents caused by pilot factors. FFA/NASA program will determine optimum/advanced helicopter display and integrated control systems in helicopter design. FAA is developing a human factors program to improve the man/machine interface of controllers and pilots. (Ref. 43 FR 324676, July 27, 1978)

A-80-101 through -104 (May 11).—Responds to Board comments of Mar. 26, 1981, on response dated Dec. 15, 1980. To collect weather and airport information from remote locations FAA will provide HF transceivers as needed, until they can be replaced with more reliable "meteor burst" or satellite communications. FAA is reexamining future inspector staffing requirements in Alaska, including potential location assignment of domiciled inspectors. FAA continues to test "meteor burst" technology; a third collection site was installed at Togiak, Alaska. "Slow scan" and "live scan" television observations tested at two Alaskan locations: The one at Unakleet was not successful due to lack of contrast in the terrain, and FAA plans to expand the test to include programed stops in the equipment for better orientation; the test at Valdez was highly successful because of excellent terrain contrast, and three additional sites are now funded for further testing. (Ref. 46 FR 2224, Jan. 8, 1981)

Other Recent Responses—

I-80-2, from the Federal Railroad Administration, May 5.—To develop guidelines for handling tank cars containing pressurized liquefied gases, FRA will determine and characterize the range of damage types which tank car heads and shells sustain through reviews of past accidents, visits to railroad repair shops, and direct observations at accident sites. (Ref. 45 FR 71870, Oct. 30, 1980)

P-79-32, from the Lone Star Gas Company, May. 12.—All service lines will be installed and existing service lines will be replaced as needed up to the point of measurement. Lone Star is implementing its revised policy by filing for franchise amendments and is supporting an amendment to the reauthorization bill for the State Plumbing Board to clarify the right of the company to work on customer-owned service lines without a master plumber's license. (Ref. 45 FR 43290, June 26, 1980); Board letter of Sept. 29, 1980)

R-78-23, from the Federal Railroad Administration, May 6.—Amtrak has informed FRA that retrofitting of coupler assemblies was completed June 19, 1980, including installation of direct coupling of turnbuckles and elimination of the hook and link coupling arrangement. (Ref. 45 FR 3414, Jan. 17, 1980; Board letter of Feb. 5, 1980)

R-80-54, from the Federal Railroad Administration, May 14.—FRA does not intend to amend 49 CFR 221.15(c)3. FRA is informed that Southeastern Pennsylvania Transportation Authority plans to implement a retrofit program for installation of colored rear-end marking devices on their equipment, which may result in discontinuance of use of rear headlights as marking devices. (Ref. 46 FR 11075, Feb. 5, 1981)

R-81-30, from the Amalgamated Transit Union, May 4.—ATU agrees to assist and cooperate with UMTA to bring about emergency response training or rail rapid transit employees (Ref. 46 FR 17684, Mar. 19, 1981)

Note.—Copies of Board recommendation letters, responses and related correspondence are available without charge. All requests must be in writing, identified by recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer

May 29, 1981.

[FR Doc. 81-16605 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Byproduct Material License No. 12-13568-01; EA 81-32]

Isotope Measurements Laboratories, Inc.; Order to Show Cause

I

Isotope Measurements Laboratories, Incorporated, 3304 Commercial Avenue, Northbrook, Illinois (the "Licensee") is the holder of Byproduct Material License No. 12-13568-01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes the licensee to possess byproduct material incident to the receipt, storage and delivery to specificlly licensed recipients. The license was issued on February 24, 1970, and is due to expire on February 28, 1985.

II

The findings of a Commission investigation conducted during the period June 30, 1980 through January 6, 1981 revealed that the licensee was receiving byproduct material from client hospitals who were not authorized to manufacture and distribute radiopharmaceuticals, and was distributing these materials to other of the licensee's client hospitals in Indiana and Southern and Central Illinois. This practice continued after the Commission had denied on April 27, 1979, a request by the licensee for authorization to elute radiopharmaceuticals and distribute these eluates to other of the licensee's client hospitals. This denial was based on the fact that the licensee did not submit the necessary information required by 10 CFR 32.72 for a specific license to manufacture and distribute radiopharmaceuticals for medical use under group licenses. This unauthorized distribution further continued in some areas after representatives of the licensee attended an enforcement conference conducted by Commission representatives with several of the licensee's client hospitals on June 20, 1980, at which the unauthorized distribution practices were discussed. Furthermore, the licensee continued this practice at two hospitals in Central and Southern Illinois after receipt of an Immediate Action Letter dated August 8, 1980, which confirmed the Commission's understanding that the licensee would cease the unauthorized practices at all locations.

From the foregoing, it is apparent that the licensee has engaged in a practice of chronic noncompliance with the Commission's requirements including the continuation of an unauthorized practice after the April 27, 1979 license amendment denial, and the failure to comply fully with the commitments confirmed in the August 8, 1980 Immediate Action Letter.

III

In view of the foregoing and pursuant to Sections 81, 161(b) and 186 of the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2, 20, 30, 32 and 35, it is hereby Ordered that:

The licensee show cause in the manner hereinafter provided why all activities under Byproduct Material License No. 12-13568-01 should not be suspended.

IV

The licensee may show cause within thirty days of the date of this Order by filing a written answer under oath or affirmation which sets forth the matters of fact and law on which the licensee relies. Any answer which the licensee intends to satisfy the show cause requirement shall include plans and procedures for conducting future activities in compliance with Commission requirements. Specifically, those plans and procedures should demonstrate that sufficient controls have been implemented to assure that: (1) employees engaged in operations under the license are trained to perform such operations in accordance with Commission requirements; and (2) effective management systems exist to assure the conduct of IML's licensed

activities in accordance with Commission requirements. The licensee may answer, as provided in 10 CFR 2.202(d), by consenting to the entry of an order in substantially the form proposed in this Order to Show Cause. Upon failure of the licensee to file an answer within the specified time, the Director, Office of Inspection and Enforcement, may issue without further notice an order suspending licensed activities.

V

The licensee or any other person who has an interest affected by this Order may request a hearing within thirty days of the date of this Order. Any answer to this Order or any request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S.N.R.C., Washington, DC 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a person other than the licensee requests a hearing, that person shall describe specifically, in accordance with 10 CFR 2.714(a)(2), the person's interest and the manner in which that interest is affected by this Order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether, on the basis of the matters set forth in section II of this Order, Byproduct Material License No. 12–13568–01 should be suspended.

Dated at Bethesda, Maryland this 28th day of May 1981.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 81-16656 Filed 6-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361-OL, 50-362-OL]

Southern California Edison Co. et al. (San Onofre Nuclear Generating Station, Units 2 and 3); Order

Time and Place of Hearing on Seismic Issues

May 29, 1981.

The public hearing on seismic issues in this proceeding will begin at 9:00 a.m., local time, on June 22, 1981 in San Diego, California in Courtroom 8 of the United States District Court. The Courtroom is located in the Federal Building at 940 Front Street.

It is so Ordered.

Dated at Bethesda, Maryland this 29th day of May, 1981.

For the Atomic Safety and Licensing Board.

James L. Kelley,

Chairman, Administrative Judge.

[FR Doc. 81-16657 Filed 6-3-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22072; (70-6579)]

American Electric Power Company, Inc.; Proposal by Holding Company To Act as Surety for a Subsidiary

May 29, 1981.

American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, has filed a declaration with this Commission pursuant to sections 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder.

AEP proposes to act as surety for Wheeling Electric Company ("Wheeling"), a public utility subsidiary of AEP, in connection with Wheeling's plan to place increased electric rates into effect subject to refund. Pursuant to an order of the Public Service Commission of West Virginia, Wheeling may place such rates into effect commencing June 27, 1981, pending completion of an investigation by the West Virginia Commission with respect to the rate increase. The amount of the bond is estimated at $4,700,000, equal to the estimated additional annual revenue that the increased rates will provide. AEP will charge no fee to Wheeling for acting as surety.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 22, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16672 Filed 6-3-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22073; (70-5943)]

American Electric Power Co., Inc.; Proposed Issuance and Sale of Common Stock Pursuant to Dividend Reinvestment and Stock Purchase Plan

May 29, 1981.

American Electric Power Company, Inc. ("AEP"), 180 East Broad Street, Columbus, Ohio 43215, a registered holding company, has filed with this Commission a post-effective amendment to its declaration in this proceeding pursuant to sections 6(a) and (7) of the Public Utility Holding Company Act of 935 ("Act") and Rule 50(a)(5) promulgated thereunder.

By orders dated February 8, 1977, April 19, 1978, March 29, 1979, August 8, 1979, and May 1, 1980 (HCAR Nos. 19879, 20506, 20979, 21180, and 21544), AEP was authorized to issue and sell, from time to time through June 30 1981, up to 12,000,000 shares of its authorized but unissued common stock, $6.50 par value, pursuant to its Dividend Reinvestment and Stock Purchase Plan ("Plan";'). Through May 8, 1981, a total of 9,893,348 shares had been issued and sold, leaving a balance of 2,106,652 shares available for issuance and sale.

AEP now proposes to issue and sell, from time to time through June 30, 1982, up to an additional 7,000,000 shares of its authorized unissued common stock, plus the unsold balance of the shares of common stock heretofore authorized by the Commission for issuance, pursuant to the Plan. The price of shares purchased with reinvested cash dividends is 95% of the average of the daily high and low sales prices of AEP's common stock on the New York Stock Exchange for the five trading days ending on the day of purchase.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 26, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by

certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will not notifed of any hearing, if ordered, and will recieve a copy of any notice or order issued in this matter. After said date, the delcaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16673 Filed 6-3-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22070; (70-6126)]

American Electric Power Co., Inc.; Proposed Issuance and Sale of Common Stock to Trustee for System Employees Savings Plan

May 29, 1981.

American Electric Power Company, Inc. ("AEP"), 180 East Broad Street, Columbus, Ohio 43215, a registered holding company, has filed with this Commission a post-effective amendment to its declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

By orders dated April 25, 1978, April 27, 1979, and June 24, 1980 (HCAR Nos. 20516, 21022, and 21639), AEP was authorized to issue and sell, from time to time through June 30, 1981, up to 1,500,000 shares of its authorized unissued common stock, $6.50 par value, to Bankers Trust Company, the Trustee for the AEP System Employees Savings Plan ("Savings Plan"). Through May 15, 1981, a total of 1,081,400 of such shares had been sold to the Trustee for a total price fo $20,671,975, leaving a balance of 418,600 shares.

AEP now proposes to issue and sell to the Savings Plan Trustee, from time to time through June 30, 1982, up to an additional 300,000 shares of its authorized unissued common stock, plus the unsold balance of the shares of common stock heretofore authorized by the Commission for issuance, to said Trustee. The pricie to the Trustee of such shares on any date of sale will be the average of the high and low sales price of AEP's common stock on the New York Stock Exchange on such date, but in no event less than the par value thereof.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 26, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16674 Filed 6-3-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 28, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Amsouth Bancorporation, Common Stock, $1 Par Value (File No. 7-5933)
Louisiana General Services Inc., Common Stock, $1 Par Value (File No. 7-5934)
Mitel Corporation, Common Stock, No Par Value (File No. 7-5935)
Nortek Incorporated, Common Stock, $1 Par Value (File No. 7-5936)
Santa Anita Operating Company/Santa Anita Realty Enterprises Incorporated, Paired Certificates, Common Stock, $.10 Par Value (File No. 7-5937)
Engelhard Corporation, Common Stock, $1 Par Value (File No. 7-5938)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 18, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16675 Filed 6-3-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17830; File No. SR-NASD-81-7]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

June 1, 1981.

On April 27, 1981, the National Association of Securities Dealers, Inc. (the "NASD" 1735 K Street, NW., Washington, D.C. 20006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends Article I, Schedule C, Parts I and II of the NASD By-Laws concerning the registration requirements for principals and representatives. Parts I and II were adopted as interim measures pending Commission approval of proposed Rule 15b7-1 and would expire on May 31, 1981. The proposal deletes the May 31, 1981, expiration date for Parts I and II, thereby extending indefinitely the applicability of these provisions. The NASD has requested that this proposed rule change receive accelerated approval pursuant to Section 19(b)(2) of the Act.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17796, May 11, 1981) and by publication in the **Federal Register** (46 FR 27590 (1981)). No written statements with respect to the proposed rule change were filed with the Commission.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication for the notice of filing thereof, since deletion of the May 31, 1981, expiration date for Parts I and II will ensure continuous qualification and

registration of persons associated with NASD members pending Commission action on proposed Rule 15b7–1. The NASD expects to submit conforming amendments to Schedule C upon Commission approval of proposed Rule 157b–1 or an amended version thereof.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–16676 Filed 6–3–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11799; (811–110)]

Trusteed Income Estates Certificates Original Series; Proposal To Terminate Registration

May 29, 1981.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Trusteed Income Estates Certificates Original Series ("Trust"), 919 18th Street NW., Washington, D.C. 20006, registered under the Act as a unit investment trust, has ceased to be an investment company as defined by the Act.

Information contained in the files of the Commission indicates that the Trust was organized as a common law trust in the state of New Jersey by trust agreement dated April 1, 1933. The Trust filed Form N–8A, Notification of Registration, with the Commission on November 1, 1940. According to its Form N–8A, the Trust last offered its securites to the public on February 26, 1938. Commission records indicate that the Trust is presently inactive and has no reported assets.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of that order the registration of that investment company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 23, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the proposal accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Trust at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the proposal herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponenments thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A Fitzsimmons,

Secretary.

[FR Doc. 81–16677 Filed 6–3–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 17819; SR–BSE–81–4]

Boston Stock Exchange, Inc.; Order Approving Proposed Rule Change

On April 16, 1981, the Boston Stock Exchange, Inc. One Boston Place, Boston, Massachusetts 02108 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change to amend Chapter II, Section 16 of its Rules relating to short selling by broker-dealers to permit a broker-dealer, under certain specified circumstances, to effect short sales of a security at a price equal to the price associated with that broker-dealer's most recent communicated offer for that security.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 17737, April 20, 1981) and by publication in the Federal Register (46 FR 23361, April 24, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: May 27, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–16609 Filed 6–3–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11797; 812–4809]

Banque Francaise du Commerce Exterieur and BFCE U.S. Finance Corp.; Application for an Order Exempting Applicants From All Provisions of the Act

May 28, 1981.

Notice is hereby given that Banque Francaise du Commerce Esterieur ("BFCE") and BFCE U.S. Finance Corporation, c/o Peter H. Darrow, Esq., Cleary, Gottlieb, Steen & Hamilton, One State Street Plaza, New York, NY 10004 ("BFCE U.S. Finance") (together, "Applicants") filed an application on January 21, 1981, and an amendment thereto on May 8, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicants from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of respresentations contained therein, which are summarized below.

Business of Applicants

Applicants state that BFCE was established in 1947 pursuant to French Decree dated June 1, 1946, for the purpose of facilitating the financing of French foreign trade, and that its primary activity is to carry out the program of government export financing. According to the Applicants, BFCE is the only financial institution in France empowered to perform this specialized function. Its principal office is located at 21, Boulevard Haussmann, 75009 Paris, France.

BFCE provides government financing in francs for medium- and long-term credits extended to French exporters or foreign purchasers in connection with the export of French goods and services, by refinancing the major part of the medium-term portion of these credits

which are provided by French banks and the entire amount of the long-term portion of the credits provided by those banks to French exporters and by directly financing the long-term portion of credits to foreign purchasers of French exports. Except for certain short-term credits, governmental financing of export credits is subject to the issuance of disaster and political risk insurance. BFCE also refinances certain expenses of French exporters not covered by foreign purchaser's advance or progress payments and it guarantees, for the Treasury Division of the Ministry of the Economy ("Treasury"), foreign investment by French individuals and companies against certain political risks.

The application states that BFCE obtains the funds for its governmental export financing from refinancing operations with the Banque de France (in the case of medium-term refinancing), from loans granted by the Treasury, from bank loans, from money market operations and from the sale of its debt securities on various capital markets. The application further states that more than 97% of BFCE's outstanding long-term indebtedness in the form of debt securities, bank loans and loans from the Treasury has been incurred to fund its long-term government export financing; that the funds obtained for this purpose from loans and the sale of those securities are segregated from BFCE's other funds; and that all of BFCE's borrowings to fund its governmental financing operations are guaranteed by the Republic of France ("Republic"). Applicants affirm that the government guaranteed borrowings have included two public offerings in the United States registered under the Securities Act of 1933 (the "1933 Act").

Applicants represent that any difference between the cost of funds raised for government export finance activity through bank loans and debt issues and the interest income derived from the sued of those funds is, after commissions to BFCE at rates fixed by the Treasury, for the account of the Treasury. Applicants assert that BFCE's government export financing operations accounted for approximately 68% of its assets at December 31, 1977, 67% at December 31, 1978, and 67.1% at December 31, 1979 (based on its published French financial statements).

Applicants acknowledge that, in addition to government export financing, BFCE engages in all the financing and other activities normally engaged in by French commercial banks, with particular specialization in matters involving international commerce, expecially imports, exports and foreign investments. According to the application, in the commercial banking area, BFCE's most important activities are the receipt of deposits and the extension of credit. The application states that at December 31, 1979, loans (including interbank loans) not part of BFCE's government financing program amounted to $8,308 million or 72.5% of its assets not attributable to government export financing, and deposits and money market borrowings secured by bills of $5,306 million and $3,394 million, respectively, represented 75.9% of liabilities not attributable to government export financing. (All dollar amounts are computed based upon the conversion rate from French francs as of December 31, 1979.)

Applicants state that like all major European banks (as well as many foreign merchant banking subsidiaries of American banks) BFCE engages in various types of investment banking activities outside the United States and that these activities accounted in 1979 for less than 0.5% of BFCE's operating income. According to the application, in conjunction with its foreign trade financing activities, BFCE provides French companies with technical advice with respect to foreign trade, particularly financing methods. BFCE has made investments in French and foreign companies which promote French foreign trade and which provide specialized financial services to French importers and exporters and has also made quity investments in, and in some cases is represented on the boards of directors of, various French and foreign financial institutions and consortium banks.

The application states that BFCE U.S. Finance was formed on January 15, 1981, to serve as a financing vehicle for BFCE, and that all of the outstanding shares of capital stock of BFCE U.S. Finance will be owned by BFCE. The application also states that since it is intended that the sole business of BFCE U.S. Finance will be the provision of funds to BFCE, virtually all of its assets will consist of amounts receivable from BFCE. The principal office of BFCE U.S. Finance will be 306 South State Street, Dover, Delaware.

Regulation of BFCE

Applicants allege that BFCE is subject to extensive government regulation in France, both as a financial institution empowered to engage in governmental export financing activities and as a commercial banking institution. The application states that the share capital of BFCE may be held only by certain public agencies of the Republic and certain financial institutions in which the Republic has a controlling interest, and, furthermore, that any change in shareholders must be approved by government decree and any change in the amount of the share capital of BFCE or in the distribution thereof among its shareholders must be authorized by the Minister of the Economy.

The application states that all of the members of the board of directors of BFCE are appointed for a five-year term by government decree, and the two highest ranking executive officers, the chairman of the board and the general manager, are appointed by the Minister of the Economy upon the board's recommendation. In addition, two special representatives of the government, appointed by the Ministers of the Economy and the Budget, are entitled to attend all board and committee meetings and have veto power over any board decisions, subject to appeal to the Minister of the Economy.

With respect to BFCE's commercial banking activities, the application states that BFCE is subject to the same panoply of corporate and banking regulations as other French banks and French branches of foreign banks, as principally administered, often on a cooperative basis, by the Conseil National du Credit, Commission de Control des Banques, and Association Francaise des Banques. These regulations include restrictions relating to liquidity, assets and loan coverage, reporting requirements and exchange control regulations. In addition, the application represents that commercial banking operations in France are significantly affected by monetary policies established by the Ministry of the Economy and implemented by the Conseil National du Credit and the Banque de France. The application states that BFCE, as a foreign bank with a branch in New York, is subject to certain of the regulatory and reporting requirements of the Federal Reserve Board pursuant to the International Banking Act of 1978.

Proposed Commercial Paper and Future Offerings

Applicants propose that BFCE U.S. Finance issue and sell in the United States short-term negotiable promissory notes of the type generally referred to as commercial paper (the "Notes"), the proceeds of which (except for amounts needed to repay maturing securities of BFCE U.S. Finance) will be made available to BFCE in the form of loans or deposits for use in its non-governmental finance-related banking activities. The application states that payment of the

Notes will be unconditionally guaranteed by BFCE, but will not be guaranteed by the Republic. The application also states that under current French law, interest payments on commercial paper issued by French banks could be subject to a French withholding tax, and, that accordingly, it is proposed that BFCE U.S. Finance issue the commercial paper. Applicants aver that should there be a change regarding the imposition of the withholding tax, BFCE may also issue the Notes directly.

According to Applicants, the Notes will be in mimimum denominations of $100,000, and the Notes and guarantees thereof will rank *pari passu* among themselves. Applicants state that the Notes will be sold through one or more major dealers experienced in the marketing of commercial paper to the types of investors that ordinarily participate in the United States commercial paper market and will not be advertised or otherwise offered for sale to the general public. Applicants undertake to ensure, as an express condition of any order granting their application, that each dealer in the Notes will provide each offeree prior to any sale of Notes to that offeree with a memorandum which describes the business of BFCE and BFCE U.S. Finance and contains the financial statements contained in BFCE's most recently filed Form 18–K or, if and when BFCE shall cease to be required to file that annual report, BFCE's most recent publicly available official financial statements examined by its statutory auditors in accordance with generally accepted accounting standards in France. Applicants state that the financial statements will include or be accompanied by a paragraph highlighting the material differences between French accounting standards applicable to French banks and generally accepted accounting principles employed by United States banks. Applicants represent that the memorandum will be updated as promptly as practicable to reflect material adverse changes in BFCE's business and financial status and will be at least as comprehensive as those customarily used in offering commercial paper in the United States.

The application avers that the characteristics of the Notes will qualify them for exemption from registration under Section 3(a)(3) of the 1933 Act. Applicants represent that they will not issue and sell the Notes until they have received an opinion of special legal counsel in the United States to the effect that, under the circumstances of the proposed offering, the Notes would be entitled to the exemption afforded by Section 3(a)(3) of the 1933 Act. Applicants further represent that, prior to issuance, the Notes will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization and that their United States counsel will certify to the Commission, if requested, that such a rating has been received.

Applicants state that Morgan Guaranty Trust Company of New York will be appointed authorized agent to issue the Notes from time to time, and that Applicants will appoint Morgan Guaranty Trust Company of New York, the manager of BFCE's New York branch, the Commission or a corporate entity which normally acts in that capacity to accept any process which may be served in any state or federal action by the holder of any Note against Applicants based on the Notes or the guarantees relating thereto. Applicants state that they will expressly accept the jurisdiction of any state or federal court in the city and state of New York in respect of any action, and will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Notes or otherwise.

Applicants state that they or either of them may, from time to time, offer other debt securities for sale in the United States. According to the application, any such securities issued by BFCE US Finance would be unconditionally guaranteed by BFCE. In connection with any such offering, Applicants undertake (1) to ensure that offerees will be provided prior to any sale of the securities with disclosure documents no less comprehensive than is customary for offerings of similar debt securities in the United States, (2) to cause the appointment of an agent to accept any process which may be served on them in any action based on the securities offering, (3) to obtain an opinion of special legal counsel in the United States as to compliance with, or availability of exemption from, the 1933 Act, and (4) to accept expressly the jurisdiction of any state or federal court in the city or state of New York in connection with any action based on the securities offering and will also be subject to suit in any other court in the United States which would have jurisdiction. Applicants further undertake that all future issues of securities offered for sale in the United States by BFCE or BFCE US Finance shall have received prior to issuance one of the three highest investment grades from at least one nationally recognized statistical rating organization.

Requested Relief Under the Act

Section 3(a)(3) of the Act defines "investment company" to include any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of that issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis. BFCE states that while it believes that it is not an "investment company" within the meaning of the Act, it recognizes that some uncertainty exists concerning whether at least some foreign commercial banks and export banks are "investment companies" under the Act. Accordingly, Applicants state, they are making this application under Section 6(c) of the Act which provides in part that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent that an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that approval of this application would be appropriate in the public interest. They believe that if they were deemed to be investment companies they effectively would be precluded from access to the United States commercial paper market, a major financing source, to their competitive disadvantage in comparison with many of the large United States banks which are BFCE's competitors in much of its commercial lending activities. Applicants also submit that an exemption would be consistent with the protection of investors and the purposes and policies fairly intended by the Act. They assert that like commercial banks subject to examination and supervision by United States banking authorities, BFCE is subject to extensive regulation by French banking authorities and, further, that it is indirectly substantially owned by the Republic which has a decisive role in appointing its directors. Applicants note that BFCE on May 27,

1975, received a no-action response from the staff of the Commission with respect to BFCE's contention that it need not register as an "investment company" under the Act (public availability date: June 26, 1975). Applicants state that as a result of changed circumstances they believe BFCE can no longer rely upon the no-action position taken by the Commission's staff in connection with its 1975 public offering. Applicants allege that the rationale for granting a Section 6(c) exemption to BFCE extends to BFCE US Finance as well because of the close relationship of the two companies, because the sole business of BFCE US Finance will be to operate as a financing vehicle for BFCE, and because the obligations of BFCE US Finance will be guaranteed unconditionally by BFCE. Thus, Applicants aver that the purchase of the Notes will be equivalent to purchasing obligations of BFCE.

Notice is further given That any interested person may, not later than June 22, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16612 Filed 6-3-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17821; File No. SR-CBOE-80-25]

Chicago Board Options Exchange, Inc.; Self-Regulatory Organizations

Comments requested on or before June 25, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 11, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Text of the Proposed Amendment

The following text amends the proposed Interpretations and Policies to Rule 8.1 set forth in File No. SR–CBOE–80–25, filed on October 14, 1980. Deletions from and additions to the text of the originally proposed Interpretations and Policies are indicated respectively by brackets and italics. The proposed change to Rule 6.24 also set forth in File No. SR–CBOE–80–25 is not affected by this filing.

Rule 8.1. No change.

* * * Interpretations and Policies:

0.1 Options transactions effected on the Exchange which result from orders transmitted from off the floor of the Exchange by a Market-Maker shall be deemed to be initiated on the floor of the Exchange and shall count as Market-Maker transactions for the purposes of this Chapter and Rule 3.1 provided that (a) such orders result in closing transactions or (b) at the time such orders are transmitted to the floor of the Exchange the Market-Maker is temporarily absent from the Exchange floor and such orders result in options transactions which *either* provide a [bona fide] *permitted* hedge of, *or were reasonably anticipated by the Market-Maker at the time such orders were transmitted to provide a permitted hedge of,* open options positions then carried by the Market-Maker in a Market-Maker account *which were acquired in transactions initiated on the floor of the Exchange.*

.02 For the purposes of Interpretation .01, [a bona fide hedge shall occur when an adverse change in the market price of the initial options position would be reasonably anticipated to be offset by a countervailing change in the market price of the subsequent options position, provided that such subsequent position is in respect of the same underlying security as the intitial options position.] *an options transaction provides a permitted hedge when the position acquired in the transaction offsets an options position previously opened in the Market-Maker's account in a transaction initiated on the floor of the Exchange which is "in or at the money" and which is not offset by an underlying security position or by another options position in the account, for an equal or greater number of shares of the same underlying security, which is "in the money." "In or at the money," with respect to a call option, indicates that the current market price of the underlying security is not more than one standard exercise interval below the exercise price of the option, and, with respect to a put option, that the current market price of the underlying security is not more than one standard exercise interval above the exercise price of the option. "In the money," with respect to a call option, indicates that the current market price of the underlying security is not below the exercise price of the option, and, with respect to a put option, that the current market price of the underlying security is not above the exercise price of the option.*

.03 For the purposes of Interpretation .01, a Market-Maker may effect [bona fide] *permitted* hedge transactions using off-floor orders on no more than 30 business days per calendar year while temporarily absent from the Exchange floor. Each Market-Maker shall be responsible for determining the number of days on which off-floor [bona fide] *permitted* hedge transactions have been executed by him during a calendar year.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Amendment

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change.

Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

This Amendment Number Four changes the text of the original filing in three ways. These changes were made as a result of informal suggestions from the staff of the Board of Governors of the Federal Reserve System. First, the amendment makes clear that Market-Makers can use off-floor orders to hedge only those options positions acquired in transactions initiated on the trading floor of the Exchange. Second, it includes as a permitted hedge resulting

from orders transmitted from off the floor, those options transactions that reasonably were anticipated by a Market-Maker to provide a permitted hedge at the time the orders were transmitted. Third, the amendment replaces the subjective definition of a permitted hedge with an objective definition.

Under amended Interpretation .02, an options transaction would provide a permitted hedge when the position acquired in the transaction offsets an options position previously opened in the Market-Maker's account which is "in or at the money" and which is not offset by an underlying security position or by another options position in the account which is "in the money" for an equal or greater number of shares of the same underlying security. The definitions of "in the money" and "in or at the money" options positions are identical to those contained in Section 220.4(g) of Regulation T of the Federal Reserve Board as amended effective August 11, 1980. Accordingly, permitted hedges under the proposed rule change would correspond with "permitted offset positions" in Section 220.4(g) of Regulation T.

In amending Section 220.4(g), the Federal Reserve Board determined to allow preferential credit treatment to underlying stock transactions that hedge options positions in a Market-Maker's account, since such transactions aid the Market-Maker in performing his obligations to make a market in options. Similarly, by limiting the proposed rule change to options transactions which close out or hedge (or which were reasonably anticipated to hedge) previously opened options positions, the Exchange believes that a Market-Maker's use of off-floor orders would be restricted to situations in which such orders would support the Market-Maker's on-floor market-making obligations.

The proposed rule change also would permit a Market-Maker to effect options transactions using off-floor orders, even though such transactions would not qualify as permitted hedges of positions in the Market-Maker's account as of the end of the day, during which the transactions were effected, if the transactions were reasonably anticipated by the Market-Maker at the time such orders were transmitted to provide a permitted hedge of such positions. This provision would apply to a transaction only if (i) the Market-Maker in fact anticipated that the transaction would provide a permitted hedge and (ii) such anticipation was reasonable in view of the Market-Maker's options positions and the price of the underlying security at the time the off-floor order was transmitted.

This provision is needed because the definition of permitted hedge in Interpretation .02 requires that the options positions being hedged be "in or at the money;" that is, within one standard exercise price interval of being "in the money." Under that definition, an options position could move from being within one standard exercise price interval of being "in the money" to being outside of such interval during the day of the transaction, depending upon market price movements of the underlying stock. A Market-Maker could thus effect an options transaction through an off-floor order, reasonably believing at the time that it would provide a permitted hedge of an options position then carried in his account, only to discover later that the transaction did not provide a permitted hedge due to a price movement in the underlying stock. In that event, without the "reasonably anticipated" provision, the transaction would not qualify as a "Market-Maker transaction." Therefore, the resulting position would have to be manually removed from the Market-Maker's account and carried in a customer account, which would cause serious recordkeeping problems for the Market-Maker and his clearing firm, even though the Market-Maker reasonably believed at the time that the transaction would provide a permitted hedge.

III Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A Fitzsimmons,

Secretary.

May 28, 1981.

[FR Doc. 81-16611 Filed 6-3-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11793; 811-1560]

Freedom Fund, Inc.; Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

May 28, 1981.

Notice is hereby given That the Freedom Fund, Inc., 99 High Street, Boston, MA 02110 ("Applicant"), a Massachusetts company registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on March 9, 1981 for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that, pursuant to an Agreement and Plan of Reorganization between Applicant and Keystone Custodian Funds, Inc., as trustee of Keystone Custodian Fund, Series K-1 ("K-1"), made as of June 30, 1980, as amended on October 24, 1980 (the "Agreement"), all of the assets of Applicant have been transferred to K-1 in exchange for shares of beneficial interest in K-1 and the assumption by K-1 of all the liabilities of Applicant.

The application states that in a vote taken on March 20, 1980, the Board of Directors of Applicant unanimously

approved the proposed reorganization of Applicant with K–1 and recommended its approval to the stockholders of Applicant. It is asserted that, on October 16, 1980, the Board of Directors of Applicant expressly authorized the termination and liquidation of Applicant pursuant to the Agreement. The application further states that the reorganization was approved by the stockholders of Applicant on October 24, 1980. On that date, Applicant also received K–1 shares in exchange for its assets, for distribution on a pro-rata basis to its shareholders of record as of that date. It is asserted that the number of shares delivered was determined on the basis of the net value of the assets and liabilities transferred by Applicant, and the net asset value per share of K–1, both calculated as of 4:00 p.m. on October 24, 1980. The application states that these values were determined in accordance with the procedures customarily utilized by K–1 in valuing its own assets.

The application states that the distribution of K–1 shares to stockholders whose shares of Applicant were not represented by certificates but were held in Plan Accounts was accomplished by the establishment of an Open Account Plan envidencing an appropriate number of K–1 shares in the name of each such stockholder. It is asserted that the K–1 shares to be distributed to stockholders whose shares of Applicant are represented by certificates have been credited to an account of the Bradford Trust Company ("Bradford") as custodian for such stockholders. It is asserted that, as each stockholder of Applicant surrenders his certificates, Bradford will issue a certificate to the stockholder for an appropriate number of whole shares of K–1 and cash equal to the current redemption price of any fractional shares, unless the stockholder at that time elects to have his shares credited to an Open Account Plan. The application states that distributions to stockholders whose shares of Applicant are represented by certificates are currently being made in accordance with the procedure described above.

The application state that, on January 22, 1981 Applicant filed Articles of Dissolution with the Secretary of State of the Commonwealth of Massachusetts and has subsequently dissolved. Finally, it is represented that the Applicant does not intend to engage in any further business activities other than those necessary to wind up its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given That any interested person may, not later than June 22, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a Statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–16010 Filed 6–3–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11795 811–3014]

IDS Cash Management Fund II, Inc.; Notice of Filing of Application Pursuant to Section 8(f) of the Investment Company Act of 1940 For an Order Declaring that Applicant Has Ceased To be an Investment Company.

May 28, 1981.

Notice is hereby given That IDS Cash Management Fund II, Inc. 1000 Roanoke Building Minneapolis, Minnesota 55402 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on May 11, 1981, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicant, a Nevada corporation, was organized and registered under the Act on March 21, 1980. Simultaneous with such registration, Applicant filed a registration statement under the Securities Act of 1933 (File No. 2–67005) registering an indefinite number of its shares of common stock in connection with a proposed public offering of such shares. This registration statement was declared effective by the Commission on April 4, 1980, and the public offering was commenced on April 7, 1980.

Applicant states that after certain reserve requirements applicable to money market funds were rescinded, all of its public securityholders on August 1, 1980, voluntarily redeemed 59,550,634 shares, which were all of Applicant's shares then outstanding (valued at $1.00 per share) except for 100,000 shares owned by Investors Diversified Services, Inc. ("IDS"), Applicant's investment adviser. All of the proceeds from the redeemed shares where reinvested in shares of IDS Cash Management Fund, Inc. ("CMF"). On the same day Applicant's assets valued at $59,550,634 were conveyed to CMF, leaving Applicant with net assets of $99,926. On February 12, 1981, IDS redeemed 99,000 of the 100,000 shares of Applicant which it owned, leaving Applicant with net assets of $1,000. IDS then transferred such net assets to CMF by giving CMF its remaining 1,000 shares of Applicant. On February 13, 1981, Applicant was merged into CMF pursuant to a Plan of Reorganization adopted by CMF's Board of Directors on February 12, 1981, under the provisions of the Nevada Corporation Code. CMF, as the sole shareholder of Applicant on the date of the merger, succeeded to all the rights and liabilities of Applicant. All expenses of the merger of Applicant into CMF were either assumed by, or paid by IDS.

The application states that Applicant currently has no debts or other outstanding liabilities; it has no assets; it has no securityholders; and it is not a party to any litigation or administrative proceedings. Furthermore, according to the application within the last 18 months Applicant has not for any reason transferred any of its assets to a separate trust, the beneficiaries of which were or are securityholders of

Applicant. Finally, Applicant states that it is not now engaged, and does not propose to engage, in any business activities other than those that may be necessary for the winding up of its affairs. According to the application Applicant's legal existence has terminated by operation of Nevada law as a result of its merger into CMF and the filing of a Certificate of Ownership and Merger with the Secretary of State of Nevada.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than June 22, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controvered, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–16613 Filed 6–3–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 17818 SR–PSE–81–5]

Pacific Stock Exchange, Inc.; Filing of Amendment to Proposed Rule Change and Order Approving Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act"), notice is hereby given that on May 4, 1981, the Pacific Stock Exchange, Incorporated 618 South Spring Street Los Angeles, California 90014 ("PSE") filed with the Commission copies of an amendment to a proposed rule change under Rule 19b–4 which would initiate a one-year pilot program with respect to the appointment and evaluation of specialists and the creation of new specialists' posts.[1] In general, the pilot program has been amended to address certain potential anti-competitive consequences of the evaluation process and to enhance the procedural safeguards which would be afforded in proceedings to deny registration to an applicant specialist and to reallocate securities from a registered specialist.

Pursuant to the amendments, all non-specialist floor members will be invited to complete an evaluation questionnaire for each registered specialist which participating floor members have the ability to evaluate. The Equity Listing and Allocation Committee ("Committee") will meet with all participating members and provide written instructions on the purpose and proper procedure for completing the evaluation questionnaires. PSE staff will tabulate each completed questionnaire in order to obtain two quantitative measures for each registered and applicant specialist: (1) a total evaluation score based upon the answers to all questions on the questionnaires, and (2) a question-by-question evaluation score. Along with these scores, the Committee will receive a compilation of all comments received with respect to specific securities in which an evaluator has indicated that a specialist's performance is substandard.

The amendments also provide additional procedural safeguards with respect to the qualification of applicant specialists and the evaluation of registered specialists. The pilot has been amended to require that the Committee provide the applicant or registered specialist with: (1) notice of and the basis for any negative recommendation which will be made to the Board of Governors; (2) an opportunity to respond to any negative determination made by the Committee prior to any recommendation made to the Board; (3) the right to appeal any adverse determination to the Board; and (4) the right to submit a written statement to the Board at the same time the Committee's recommendation is being considered or to appear before the Board and make an oral statement addressing such determination or recommendation.

Furthermore, the PSE has agreed to undertake the following during the pilot program: (1) to consider the possibility of expanding the use made of specialists' performance evaluations by authorizing the Committee to cancel a specialist's registration in selected stocks, both local and dually listed, where his performance has been found to be substandard; (2) to continue to study existing methods and to consider new methods of evaluating specialist performance and of enhancing due process rights; and (3) to inform the Commission if the PSE decides to terminate its pilot program before the end of one year from the date of commencement of the pilot and to provide a report of the reasons for the decision and the results of its undertakings.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Reference should be made to File No. SR–PSE–81–5.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C.

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder.

[1] Notice of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 17647, March 20, 1981) and by publication in the **Federal Register** (46 FR 19372, March 30, 1981).

The Commission finds good cause for approving the proposed rule change, as amended, prior to the thirtieth day after the date of publication of notice of filing of the amendment thereof. The proposed rule change was filed initially with the Commission on March 13, 1981, and was noticed for public comment for the statutory time period. The Commission believes that it is appropriate to approve the proposed rule change on an accelerated basis since no comments were received with respect to the initial filing and the amendments noticed herein merely clarify and make more specific the provisions of the proposed rule change.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16014 Filed 6-3-81; 8:45 am]

BILLING CODE 8010-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Commodity Policy Advisory Committee, Establishment

The U.S. Trade Representative has taken steps to establish a Commodity Policy Advisory Committee. This Committee will be chartered pursuant to Section 135(c)(2) of the Trade Act of 1974 (19 U.S.C. 2155), as amended; the Federal Advisory Committee Act (5 U.S.C. App. 1); and Section 4(d) of Executive Order No. 11846, March 27, 1975. The charter of this Committee will be filed 15 days from the date of this notice.

The Commodity Policy Advisory Commitee will advise, consult with, and make recommendations to the United States Trade Representative and relevant cabinet agencies regarding policy issues related to negotiation or operation of international agreements affecting trade in commodities.

The Committee will meet approximately three or four times per year, depending on the needs of the U.S. Trade Representative. The U.S. Trade Representative or his designee will convene meetings of the Committee.

Members of the Committee shall be appointed by, and serve at the discretion of the U.S. Trade Representative. Representatives from the private sector wishing further information or to be considered for appointment to serve on the Committee should contact: The United States Trade Representative, Office of Private Sector Liaison, 600 17th Street, N.W., Room 123, Washington, D.C. 20506, (202) 395-6120.

Phyllis O. Bonanno,

Director, Office of Private Sector Liaison.

[FR Doc. 81-16015 Filed 6-3-81; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-041]

Qualification of Bunge Corp. as a Citizen of the United States

Notice is given that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), Bunge Corporation of One Chase Manhattan Plaza, New York, New York 10005, incorporated under the laws of the State of New York, did on April 14, 1981, file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of the corporation as a citizen of the United States following the forms of oath prescribed in Form CG-1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(a) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on May 13, 1981, issued to Bunge Corporation a certificate of compliance on Form CG-1262, as provided for in 46 CFR 67.23-7. The certificate and any authorization granted thereunder will expire three years from May 30, 1981, unless there first occurs a change in the corporate status requiring a report under 45 CFR 67.23-7.

Dated: June 1, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-16079 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-14-M

Radio Technical Commission for Aeronautics (RTCA) Special Committee 137—Airborne Area Navigation System; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 137 on Airborne Area Navigation Systems to be held on June 29-30 and July 1, 1981 in RTCA Conference Room 267, 1717 H Street, NW, Washington, D.C., commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Fifth Meeting Held on July 8-10, 1980; (3) Review of Comments Received on Fourth Draft of Minimum Operatinal Performance Standards for Airborne Area Navigation Systems; and (4) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretriat, 1717 H Street, NW, Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on May 28, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-16008 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Aviation Administration

Informal Airspace Meeting

AGENCY: Federal Aviation Administration/DOT.

ACTION: Notice of informal airspace meeting.

SUMMARY: Notice is hereby given that a public informal airspace meeting will be held to give interested persons the opportunity to comment on the proposed establishment of a Military Operations Area (MOA) in the State of New Hampshire to be called Yankee II by the Department of the Air Force.

DATE: June 4, 1981.

Notice is hereby given that a public informal airspace meeting will be held at the Lin-Wood High School, Main Street, Lincoln, New Hampshire, at 7:30 p.m., on Thursday, June 4, 1981, to give interested persons the opportunity to comment on the proposed establishment of a Military Operations Area (MOA) in the State of New Hampshire to be called Yankee II by the Department of the Air Force.

Yankee II will be located beneath part of the existing Yankee I MOA at an altitude ranging from 100' AGL to 9,000 MSL. The public is invited to attend this informal airspace meeting to present facts pertinent to the safe and efficient use of Navigable Airspace as it relates to the proposal. The topic of discussion will be the aeronautical effects this proposal may have on the safe and efficient use of Navigable Airspace. Environmental issues will not be addressed at this meeting. Comments concerning environmental aspects relating to this proposal should be directed to: Headquarters National Guard Bureau, Environmental Planning Division, Andrews AFB, Maryland 20334.

Comments may be submitted in writing at this meeting or within five days thereafter, addressed to the following: Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803. For further information contact Mr. David J. Hurley, Chief, Operations, Procedures and Airspace Branch, ANE-530, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7285, office hours 8:00 a.m. to 4:30 p.m.

Issued in Burlington, Massachusetts, on May 22, 1981.

David J. Hurley,

Chief, Operations, Procedures and Airspace Branch.

[FR Doc. 81-16607 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; King County, Washington

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the proposed road improvement project located in King County, Washington.

FOR FURTHER INFORMATION CONTACT: William J. Glover, Environmental Engineer, Federal Highway Administration, Suite 501, Evergreen Plaza, 711 South Capitol Way, Olympia, Washington 98501, telephone (206) 753-9480.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Washington Department of Transportation and King County Department of Public Works will prepare an environmental impact statement (EIS) on a proposal to widen Petrovitsky Road in King County, Washington. The proposed improvement would involve the reconstruction of Petrovitsky Road between 108th Avenue SE (SR 515) and 140th Avenue SE for a distance of 2.25 miles. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand.

Alternatives under consideration include (1) taking no action; (2) using alternate travel modes; (3) widening the existing two-lane roadway to four lanes; (4) constructing a four-lane limited access roadway; and (5) constructing a five-lane roadway. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to provide organizations and citizens who have previously expressed interest in this proposal. A series of public meetings will be held in King County between June and November, 1981. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues, identified comments and suggestions are invited from all interested parties. Comments or suggestions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.)

Issued on: May 28, 1981.

William J. Glover,

Environmental Engineer, Washington Division, Olympia, Washington.

[FR Doc. 81-16589 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Marion County, Ind.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Withdrawal of notice of intent.

SUMMARY: -The FHWA is issuing this Notice to advise the public that an environmental impact statement (EIS) will not be prepared for the proposed I-165 corridor between I-69 and the existing interchange of I-70 and I-65 in downtown Indianapolis, Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. John Breitwieser, Staff Environmental Specialist, Federal Highway Administration, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204, Telephone: 317/269-7481.

SUPPLEMENTARY INFORMATION: The FHWA Indiana Division issued a Notice of Intent to prepare an EIS for the proposed development of an I-165 corridor between I-69 and the existing interchange of I-70 and I-65 in downtown Indianapolis on May 12, 1980 (45 FR 31247). FHWA is withdrawing that Notice at this time because of overwhelming public objections during the development phase to impacts the I-165 corridor would impose on residences, businesses and the surrounding neighborhoods. A joint request from the Governor of the State of Indiana and the Mayor of Indianapolis for the withdrawal of the I-165 segment and the substitution of these funds for other transportation improvement projects within the Indianapolis urbanized area, is being reviewed at this time.

Questions concerning this proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No 20.205, (Highway Research, Planning and Construction). The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to the program)

Issued on: May 27, 1981.

George D. Gibson, Jr.,

Division Administrator, Indianapolis, Indiana.

[FR Doc. 81-16473 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[Docket No. RFA-305-80-1; Notice No. 3]

Consolidated Rail Corporation; Expedited Supplemental Transaction Proposals

AGENCY: Federal Railroad Administration (FRA)), Department of Transportation (DOT).

ACTION: Final determination regarding the development of an expedited supplemental transaction proposal (Expedited STP) pursuant to section 305(f) of the Regional Rail Reorganization Act of 1973 (Act), 45 U.S.C. 745(f).

SUMMARY: On April 16, 1981, FRA published Notice No. 2 (46 Fed. Reg. 22300) requesting public comments by May 18, 1981, on the preliminary determinations of FRA regarding the development of an Expedited STP for the transfer of all rail properties of the Consolidated Rail Corporation (Conrail) in the States of Connecticut and Rhode Island (the Rail Properties) to another railroad in the region for the purpose of providing freight service. After giving due consideration to the public comments, the FRA has determined that it cannot make the three affirmative statutory determinations which are a condition precedent to initiating an Expedited STP.

FOR FURTHER INFORMATION CONTACT: Steve Black, Office of Federal Assistance, (202) 472-7180. Office hours are 8:30 a.m. to 5:00 p.m. e.d.s.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: The Providence and Worcester Railroad (P&W) is the only railroad to have submitted a proposed Expedited STP to FRA. In Notice No. 2, FRA preliminarily determined that it could not make two of the three statutory findings (45 U.S.C. 745(f) (A) and (B)) which are a condition precedent to an Expedited STP. FRA cited the uncertainty regarding Conrail's future and the wide divergence in Conrail and P&W positions on the terms of an Expedited STP.

Summary of Public Comments

Several individual shippers and community groups in Connecticut and in Massachusetts (on connecting lines that might be transferred) provided comments supporting the proposal of the P&W that the Rail Properties be transferred to it. Seven members of Congress and the Governor of Rhode Island also wrote in support of P&W's proposal.

The State of Vermont and the Connecticut Association of Railway Shippers, representing 18 major rail shippers which together ship approximately 80 percent of all freight traffic shipped by rail in the State of Connecticut, submitted statements in agreement with the preliminary determinations of FRA outlined in Notice No. 2. Several other shippers independently expressed agreement with the preliminary determinations.

Conrail filed a statement supporting FRA's preliminary determinations and opposing the transfer of the Rail Properties under the terms as proposed by the P&W. Conrail commented that—

- P&W's proposed revenue divisions would result in Conrail revenue losses of $10.2 million—$13.6 million (1979 dollars) per year in excess of the revenue division proposal advanced by Conrail as being fair and equitable; Conrail recognized that if its division proposal were adopted P&W would have a net loss on the Rail Properties.
- P&W's annual Title V labor protection obligations resulting from the transfer of these lines could range as high as $4.8 million (if P&W hires only 560 of the 720 surplus Conrail employees associated with the Rail Properties, as P&W has proposed) to $21 million (if none of these Conrail employees transfers to P&W and if their remaining with Conrail results in the total displacement of 720 Conrail employees). Conrail notes that these labor protection costs are significantly in excess of the projected $1 million P&W expects to earn from these lines.
- P&W must agree to pay Amtrak fixed charges attributable to freight operations over these lines.
- Finally, Conrail expressed its disagreement with P&W over the methodology that should be used in valuing the Rail Properties and reaffirmed the need to resolve the pending litigation between P&W and Conrail.

Nothing in the public comments of the supporters of an Expedited STP is persuasive that the rationale which FRA cited as a reason for its preliminary determinations is invalid.

Recent Developments

Since FRA made the preliminary determinations, DOT has submitted legislation to the Congress (S. 1100 and H.R. 3448), which would provide for the transfer of all Conrail's properties used in freight services to financially responsible parties. The bill would also replace the costly Title V labor protection provisions with a more reasonable program. Entities acquiring Conrail properties would negotiate with employee representatives on the selection and protection of employees. Acquiring entities would not be required to bear the labor protection costs for Conrail employees who are not hired. The Senate Commerce Committee has acted favorably on the bill. A sale to P&W or other prospective buyers would be possible under the proposed legislation.

Final Determination

Sections 305(d)(7) and 508 of the Regional Rail Reorganization Act of 1973, as amended, require an acquiring railroad under an Expedited STP to agree to afford labor protection at the levels presently prescribed in Title V of the Act, to all Conrail employees adversely affected by a transfer of the Rail Properties. The P&W's proposal indicates that P&W is willing to assume only such labor protection costs as will be reimbursed by the Federal Government. Congressional action on the future of northeast rail service including revisions of the labor protection obligation of an acquiring entity could dramatically affect the operations and profitability of the Rail Properties. Because of the present uncertainties regarding the future of the Conrail system, the potentially high labor protection costs associated with a transfer of the Rail Properties under existing law, and the wide divergence in Conrail and P&W positions on the purchase price and other terms of an Expedited STP, FRA is unable to find—

(1) that any potential transferee is financially capable of assuming the freight operations obligations of Conrail on a financially self-sustaining basis. (This determination does not constitute a ruling on the operating and financial capabilities of the P&W); or

(2) that a transfer of the Rail Properties at this time would promote the establishment and retention of a financially self-sustaining railroad system in the States of Connecticut and Rhode Island adequate to meet the needs of such States.

Issued in Washington, D.C., on May 27, 1981.

Robert W. Blanchette,

Administrator.

[FR Doc. 81-16373 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP80-13; Notice 2]

Lafer S.A.; Grant of Petition for Determination of Inconsequential Noncompliance With Glazing Materials Regulations

This notice grants the petition by Lafer S.A. of Sao Paulo, Brazil, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent

noncompliance with 49 CFR 571.205, *Glazing Materials*, The basis of the grant is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on September 4, 1980 (45 FR 58743) and an opportunity afforded for comment.

Paragraph S6.4 of Standard No. 205 requires that each manufacturer who cuts a section of glazing material for use in a motor vehicle shall mark the material to identify it. Lafer's United States representative, Lafer Auto Sales, imported 50 motor vehicle kits in 1979 and 1980 whose "side wing, passenger and vent windows" did not carry the required AS–2 marking and the manufacturer's assigned identification number. Lafer argues that the noncompliance is inconsequential as the glazing, other than the omitted marking, complies with all requirements of Standard No. 205. A certificate of compliance from the glazing manufacturer accompanied the petition.

No comments were received on the petition.

Lafer's noncompliance with glazing marking requirements is similar to that of Volkswagen (Docket IP80–3), which was necessitated by the failure of the company to mark AS–1 on 505 replacement windshields imported from Mexico. NHTSA denied that petition (45 FR 79217) on the basis of comments from State inspection officials who replied that vehicles with unmarked windshields would be subject to rejection under their inspection codes. The NHTSA observed that "the noncompliance has a direct impact upon the vehicle safety inspection process, diverting public resources with no corresponding safety benefit" in determining that the noncompliance is inconsequential as it relates to motor vehicle safety.

The Lafer noncompliance differs in magnitude (50 kits) and criticality (AS–2 side window glazing). Even though no State officials commented this time, NHTSA's inquiry showed the likelihood that glazing in areas other than the windshield would be inspected and be subject to rejection if not marked. One jurisdiction, however, indicated when the problem was explained to them, that it would accept a certificate that the glazing was AS–2. Lafer has indicated its willingness to the agency to supply such a certificate to the owners of the 50 vehicle kits, a factor lacking in the Volkswagen case. For these reasons the agency has decided to grant Lafer's petition.

Accordingly, petitioner has met its burden of persuasion. It is hereby determined that the noncompliance described above is inconsequential as it relates to motor vehicle safety and Lafer's petition is granted.

The engineer and attorney primarily responsible for this notice are Ed Jettner and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on May 29, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-16603 Filed 6-3-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 28]

Northeastern Insurance Co. of Hartford; Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to Northeastern Insurance Company of Hartford, Hartford, Connecticut, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on federal bonds is hereby terminated effective June 30, 1981.

The company was last listed as an acceptable surety on federal bonds at 45 FR 44509, dated July 1, 1980.

With respect to any bonds currently in force with Northeastern Insurance Company of Hartford, bond approving officers of the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company.

Questions concerning this notice may be directed to the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226. Telephone (202) 634–5010.

Dated: May 27, 1981.

William E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-16680 Filed 6-3-81; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Veterans Administration Wage Committee; Availability of Annual Report

Pursuant to the provisions of section 10(d) of Pub. L. 92–463 (Federal Advisory Committee Act) and OMB Circular A–63 of March 27, 1974, notice is hereby given that the Annual Report of the Veterans Administration Wage Committee for calendar year 1980 has been issued.

The report summarizes activities of the Committee on matters related to wage surveys and pay schedules for Federal prevailing rate employees. It is available for public inspection at two locations:

Library of Congress, Serial and Government Publications Division, Room 1026, Adams Building, Washington, D.C. 20540

Veterans Administration, Office of the Committee Secretary, VA Wage Committee, Room 1108, 810 Vermont Avenue, NW., Washington, D.C. 20420

Dated: May 29, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-16625 Filed 6-3-81; 8:45 am]

BILLING CODE 8320-01-M

Veterans Administration Wage Committee; Meetings

Under the provisions of section 10 of Pub. L. 92–463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, July 9, 1981
Thursday, July 23, 1981
Thursday, August 6, 1981
Thursday, September 3, 1981

The meetings will convene at 2:30 p.m. and will be held in Room 1175A, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System (blue-collar) employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, as amended by Pub. L. 94–409, meetings may be closed to the public when they are concerned with matters listed under section 552b, Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b(c)(2)), and those involving trade secrets and commercial or financial

information obtained from a person and privileged or confidential (5 U.S.C. 552b(c)(4)).

Accordingly, I hereby determine that all portions of the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention.

Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW, Washington, DC 20420.

Dated: May 29, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-16626 Filed 6-3-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 107
Thursday, June 4, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in subject matter of agency meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, June 1, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum proposing the renewal of a two-year lease with Storage Technology Corporation for rental and maintenance of computer disk equipment.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: June 1, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-674-81 Filed 6-2-81; 11:43 am]
BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF CHANGE IN SUBJECT MATTER OF AGENCY MEETING.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, June 1, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Notice of acquisition of control:
Palm Beach Lakes Bank
West Palm Beach, Florida

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: June 1, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-675-81 Filed 6-3-81; 11:43 am]
BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Tuesday, June 9, 1981, members of the Board of Directors of the Federal Deposit Insurance Corporation will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to hear an oral presentation in connection with the application of an insured State nonmember bank for consent to establish a branch.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: June 2, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-676-81 Filed 6-2-81; 11:43 am]
BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:10 a.m. on Tuesday, June 2, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a final decision with respect to an administrative enforcement proceeding against an insured State nonmember bank.

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

In calling the meeting, the Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public

interest did not require consideration of the matter in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) thereof (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting took place in the Chairman's Office, Room 6023, of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Dated: June 2, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-881-81 Filed 6-2-81; 3:48 pm]

BILLING CODE 6714-01-M

5

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, June 9, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Audits. Litigation. Personnel.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-879-81 Filed 6-2-81; 2:22 pm]

BILLING CODE 6715-01-M

6

FEDERAL ENERGY REGULATORY COMMISSION.

Notice of meeting

June 2, 1981.

TIME AND DATE: 3 p.m., June 3, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.W., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Staff briefing on Section 208 of PURPA.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357–8400.

Kenneth F. Plumb,

Secretary.

[S-880-81 Filed 6-2-81; 3:30 pm]

BILLING CODE 6450-01-M

7

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, June 4, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED: Request for approval.

No. 495, June 2, 1981.

[S-871-81 Filed 6-2-81; 10:35 am]

BILLING CODE 6720-01-M

8

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Tuesday, June 9, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the board requests that an item be moved to the discussion agenda.

1. Request by The Bank of Tokyo, Ltd., Tokyo, Japan, for permission to issue certificates of deposits through an agency outside its home state.

2. Proposal to amend Regulation T (Credit by Brokers and Dealers) regarding the use of foreign currency in a margin account. (Proposed earlier for public comment; Docket No. R–0250.)

3. Proposed amendment to Regulation Y (Bank Holding Companies and Change in Bank Control) permitting bank holding companies to perform appraisals of single-family residences. (Adopted earlier with provision for public comment; Docket No. R–0310.)

Discussion Agenda:

4. Proposal to establish International Banking Facilities within the United States. (Proposed earlier for public comment; Docket No. R–0214.)

5. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: June 1, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-870-81 Filed 6-2-81; 9:50 am]

BILLING CODE 6210-01-M

9

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., June 9, 1981.

PLACE: Hearing Room One, 1100 L Street, NW, Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public.

1. Report of the Managing Director of Actions Pursuant to Delegated Authority During the Month of April, 1981.

2. Informal Docket No. 998(I)—Ideal Toy Corp. v. Evergreen Line—Review of Settlement Officer's Decision.

3. Docket No. 80–54—Time/Volume Rate Contracts—Tariff Filing Regulations Applicable to Carriers and Conferences in the Foreign Commerce of the United States—Consideration of Comments on Proposed Rule.

Portion closed to the public:

1. Docket No. 80–52—Agreements Nos. 10186, As Amended; 10322, As Amended; 10377, 10364 and 10329—Possible Reopening of Proceeding.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523–5725.

[S-877-81 Filed 6-2-81; 12:54 pm]

BILLING CODE 6730-01-M

10

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 2:15 p.m., Monday, June 15, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Ultrafiltration membranes (Docket No. 733).
5. Investigation 337–TA–76 (Certain Food Slicers)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-882-81 Filed 6-2-81; 3:53 pm]

BILLING CODE 7020-02-M

11

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday, June 10, 1981.

PLACE: Board hearing room, eighth floor, 1425 K Street, NW, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Staff report and recommendations regarding amendments to the current NMB Representation Manual.
2. Staff report and recommendations regarding adjustments to the current NMB Freedom of Information Act fee schedule.
3. Ratification of Board actions taken by notation voting during the month of May, 1981.
4. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary; Tel: (202) 523–5920.

Date of notice: May 29, 1981.

[S-878-81 Filed 6-2-81; 1:34 pm]

BILLING CODE 7550-01-M

12

POSTAL RATE COMMISSION.

TIME AND DATE: 10:15 a.m., Tuesday, June 2, 1981.

PLACE: Conference room, room 500, 2000 L Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Personnel matters.
[Closed pursuant to 5 U.S.C. 552b(c)(2)(6)]

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, Telephone (202) 254–5614.

[S-869-81 Filed 6-1-81; 4:05 pm]

BILLING CODE 7715-01-M

13

RAILROAD RETIREMENT BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46, FR 29375, Monday, June 1, 1981.

TIME AND DATE: 10:00 a.m., June 8, 1981.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

CHANGE IN THE MEETING: Additional item to be considered at the portion of the meeting will be closed to the public:

(H) Appeal from referee's denial of disability annuity, Riley Horn.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board; COM No. 312–751–4920, FTS No. 387–4920.

[S-873-81 Filed 6-2-81; 11:05 am]

BILLING CODE 7905-01-M

14

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: May 28, 1981.

CHANGE IN THE MEETING: Additional item. The following additional item will be considered at the closed meeting scheduled for Tuesday, June 2, 1981, at 10:00 a.m.:

Settlement of administrative proceeding of an enforcement nature.

Chairman Shad and Commissioners Loomis, Evans and Friedman determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Mendelsohn at (202) 272–2091.

June 1, 1981.

[S-872-81 Filed 6-2-81; 10:44 am]

BILLING CODE 8010-01-M

federal register

Thursday
June 4, 1981

Part II

Department of the Interior

Bureau of Land Management

Outer Continental Shelf, Gulf of Mexico; Oil and Gas Lease Sale No. RS-1; Leasing Systems

4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf
Gulf of Mexico

Proposed Oil and Gas Lease Sale No. 66

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Section 19 of the OCS Lands Act, as amended, provides the affected states the opportunity to review the proposed sale notice. The following is a proposed sale notice for Sale No. 66 in the Gulf of Mexico. This notice is hereby published as a matter of information to the public.

Ed Hastey
Director, Bureau of Land Management
Associate

Date: May 30, 1981

Approved:

Donald Paul Hodel
Donald Paul Hodel
Secretary of the Interior

PROPOSED SALE NOTICE - 66

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Bids may be delivered, either by mail or in person, to the above address until 4:15 p.m., c.s.t., October __, 1981; or by personal delivery to _____

_____

New Orleans, Louisiana, between 8:30 a.m., c.s.t. and 9:30 a.m., c.s.t., October __, 1981. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., October __, 1981. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 46 FR _____ 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., October __, 1981," must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A, for bonus bid tracts. An example of the form for tracts offered under the net profit share bid with a fixed cash bonus is provided in Attachment A hereto. The net profit share bid should be expressed as a percentage, to a maximum of three decimal places after the decimal point (i.e., 50.123%). Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams or leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must

submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, as a percentage to a maximum of five decimal places, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of $3 per acre or fraction thereof. The following systems will be utilized.

(a) Bonus Bidding with a Fixed Net Profit Share: Bids on tracts 66-10, 66-11, 66-19, 66-20, 66-33, 66-46, 66-48, 66-49, 66-88, 66-92, 66-93, 66-104, 66-105, 66-107, 66-114, 66-119, 66-120, 66-169, 66-170, 66-171, 66-172, 66-174, 66-175, 66-177, 66-178, 66-181, 66-182, 66-188, 66-189, 66-190, 66-196, 66-202, and 66-208 must be submitted on a cash bonus basis with a fixed net profit share rate of 50 percent. Tracts 66-10, 66-11, 66-104, and 66-105 will have a capital recovery factor equal to 1.0 and tracts 66-107, 66-114, 66-119, and 66-120 will have a capital recovery factor of 0.50. All of the remaining tracts listed in this paragraph will have a capital recovery factor equal to 0.25. The net share payment shall be calculated according to the Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980).

(b) Net Profit Share Bidding with Fixed Cash Bonus. Bids on tracts 66-21, 66-22, 66-32, 66-90, 66-91, 66-94, 66-95, 66-96, 66-97, 66-100, 66-101, 66-106, 66-113, 66-163, 66-164, 66-167, 66-168, 66-173, 66-176, 66-179, 66-180, 66-183, 66-184,

66-193, 66-194, 66-195, 66-199, 66-200, 66-201, 66-205, 66-206, and 66-207 must be submitted on a variable profit share basis with a fixed cash bonus of $4 million. All tracts except 66-100, 66-101, 66-106, and 66-113 will have a capital recovery factor of 0.25. Tract 66-113 will have a capital recovery factor of 1.00. Tracts 66-100, 66-101, and 66-106 will have a capital recovery factor of 0.50.

The Department of Energy published final regulations for this system under court order on May 25, 1981. The Supreme Court has granted certiorari to review the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Energy Action Educational Foundation v. Andrus, Civil No. 79-1633. That Appeals Court ruling required the promulgation of regulations on variable net profit share/fixed cash bonus and work commitment/fixed cash bonus bidding systems and the good-faith experimentation with those systems in OCS lease sales. Oral arguments are expected to be heard next fall. The Department has asked the Justice Department to seek a stay on the implementation of that decision.

Since the Supreme Court has not yet had a chance to consider this case, and the Justice Department request for a stay has not been acted upon, tracts are proposed to be offered under the variable net profit share system to facilitate its use in Sale 66 if that should be necessary or advisable. Based upon the status of Supreme Court review, and of the request for a stay of the court ruling, and if necessary, further analysis of the Energy Action opinion, a final decision on the offering of tracts under this system will be announced in the final Notice of Sale to be published in September 1981. So far, the variable net profit share system has been incorporated into the Proposed Notices for Sales A66, 56, and 60.

(c) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum annual royalty payment of $3 per acre of fraction thereof.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., c.s.t., October __, 1981, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

Revisions of Department of Labor regulations on Affirmative Action requirements for Government contractors (including lessees) have been assigned a deferred effective date of June 29, 1981, pending review of those regulations (see Federal Register of April 28, 1981, at 46 F.R. 23742). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1) regarding the aggregate value of contracts over a 12-month period (see the Federal Register of December 30, 1980, at 45 F.R. 86231-86232).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

6. Bid Opening. Bids will be opened on October __, 1981, beginning at 10:00 a.m., c.s.t., at an address to be announced in the final Notice of Sale. The opening of the bids is for the sole purpose of publicly announcing and recording bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, October __, 1981, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it provides for a cash bonus in the amount of $25 or more per acre or fraction thereof. No profit share bid will be considered for acceptance unless it provides for a profit share rate of at least 30 percent.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental, and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Leasing Maps/Official Protraction Diagrams. Tracts offered for lease may be located on the following leasing maps/official protraction diagrams which are available from the Manager, New Orleans Outer Continental Shelf Office, at the address stated in paragraph 2.

(a) Outer Continental Shelf Leasing Maps - Louisiana Nos. 1 through 12. This set of 27 maps sells for $17.

(b) Outer Continental Shelf Official Protraction Diagrams:

NH 16-7 Viosca Knoll

NH 16-8 Destin Dome

NH 15-12 Ewing Bank

NH 16-10 Mississippi Canyon

NG 15-3 Green Canyon

NG 16-6

NG 17-4 Charlotte Harbor

These sell for $2 each.

12. Tract Descriptions. Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement may not be included in this notice. Some of the blocks are included in prior environmental impact statements rather than the environmental statement prepared for this sale.

The tracts offered for bid are as follows:

TENTATIVE TRACT LIST

SALE 66

OCS LEASING MAP, EUGENE ISLAND AREA, LOUISIANA MAP NO. 4
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
66-1	41	All	5000
66-2	42	All	5000
66-3	50	All	5000
66-4	55	All	5000
66-5	98	All	5000
66-6	106	All	5000
66-7	151	All	5000
66-8	152	All	5000
66-9	154	All	5000
66-10	163	All	5000
66-11	164	All	5000
66-12	263	All	5000

OCS LEASING MAP, EUGENE ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 4A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
66-13	279	All	5000
66-14	280	All	5000
66-15	320	All	5000

OCS LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5
(Approved June 8, 1954)

Tract	Block	Description	Acreage
66-16	10	1/	4131.67 est.
66-17	25	2/	3361.27 est.
66-18	35	All	5000
66-19	78	All	5000
66-20	81	All	5000
66-21	101	All	5000
66-22	102	All	5000
66-23	128	All	5000
66-24	139	All	4913.33
66-25	231	All	5000

OCS LEASING MAP, SHIP SHOAL AREA, SOUTH ADDITION, LOUISIANA MAP NO. 5A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
66-26	251	All	5000
66-27	268	All	5000
66-28	277	All	5000
66-29	278	All	5000
66-30	289	All	5000
66-31	302	All	5000
66-32	322	All	5000
66-33	323	All	5000

OCS LEASING MAP, SOUTH TIMBALIER AREA, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; Revised December 9, 1954)

Tract	Block	Description	Acreage
66-34	47	All	5000
66-35	48	All	5000
66-36	49	All	5000
66-37	68	All	5000
66-38	69	All	3772.18
66-39	70	All	5000
66-40	71	All	5000
66-41	78	All	5000
66-42	79	All	5000
66-43	80	All	3772.18
66-44	147	All	5000
66-45	182	All	2148.46

OCS LEASING MAP, SOUTH TIMBALIER AREA, SOUTH ADDITION, LOUISIANA MAP NO. 6A
(Approved September 8, 1959; Revised July 22, 1968)

Tract	Block	Description	Acreage
66-46	217	All	5000
66-47	219	All	5000
66-48	292	All	5000
66-49	293	All	5000
66-50	297	All	5000
66-51	298	All	5000
66-52	299	All	4503.30

OCS LEASING MAP, GRAND ISLE AREA, LOUISIANA MAP NO. 7
(Approved June 8, 1954)

Tract	Block	Description	Acreage
66-53	29	S½	2500

OCS LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8
(Approved June 8, 1954)

Tract	Block	Description	Acreage
66-54	28	S½S½	1250
66-55	67	N½	2500
66-56	85	1/	2630.00 est.

OCS LEASING MAP, WEST DELTA AREA, SOUTH ADDITION, LOUISIANA MAP NO. 8A
(Approved September 8, 1959; Revised November 24, 1961)

Tract	Block	Description	Acreage
66-57	111	All	5000

OCS LEASING MAP, SOUTH PASS AREA, LOUISIANA MAP NO. 9
(Approved June 8, 1954; Revised July 22, 1954; Revised May 11, 1973)

Tract	Block	Description	Acreage
66-58	44	All	4999.96
66-59	46	All	4999.96
66-60	50	All	4999.96
66-61	51	All	4999.96

OCS LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
66-62	27	All	4994.55
66-63	28	All	4994.55
66-64	29	All	4994.55
66-65	30	All	4994.55
66-66	39	All	4994.55
66-67	55	1/	912.45 est.
66-68	56	1/	4898.85 est.
66-69	57	S½	2497.77
66-70	63	All	4994.55
66-71	64	1/	4988.25 est.
66-72	100	N½; N½N½S½; SE¼NE¼SE¼; E½SE¼SE¼	3355.713
66-73	110	All	4994.55
66-74	117	All	4994.55
66-75	119	All	4994.55
66-76	124	All	4994.55
66-77	125	All	4994.55
66-78	130	All	4994.55
66-79	131	All	4994.55
66-80	137	All	4994.55
66-81	138	All	4994.55
66-82	139	All	4994.55
66-83	141	All	4994.55

OCS LEASING MAP, MAIN PASS AREA, SOUTH AND EAST ADDITION,
LOUISIANA MAP NO. 10A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
66-84	206	All	4994.55
66-85	207	All	4994.55
66-86	235	All	4994.55
66-87	238	All	4994.55
66-88	266	All	4994.55
66-89	273	All	4994.55
66-90	277	All	4994.55
66-91	278	All	4994.55

OCS OFFICIAL PROTRACTION DIAGRAM, VIOSCA KNOLL NH 16-7
(Approved October 10, 1972; Revised February 15, 1973; Revised August 1, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-92	204	All	5760
66-93	249	All	5760
66-94	250	All	5760
66-95	251	All	5760
66-96	294	All	5659.67
66-97	295	All	5760
66-98	522	All	5760
66-99	566	All	5760
66-100	816	All	5221.36
66-101	817	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, DESTIN DOME NH 16-8
(Approved October 10, 1972; Revised August 1, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-102	485	All	5760
66-103	530	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, EWING BANK NH 15-12
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-104	349	All	5688.15
66-105	350	All	2964.93
66-106	438	All	3542.89
66-107	482	All	3831.26
66-108	828	All	3730.68
66-109	872	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, MISSISSIPPI CANYON NH 16-10
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-110	20	All	2508.86
66-111	21	All	5164.76
66-112	64	All	5286.78
66-113	309	All	5760
66-114	397	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, GREEN CANYON NG 15-3
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-117	18	All	5760
66-118	62	All	5760
66-119	148	All	5760
66-120	192	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, NG 16-6
(Approved June 5, 1974; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-121	172	All	3226.88
66-122	215	All	5760
66-123	216	All	3498.97
66-124	260	All	3770.65
66-125	304	All	4041.93
66-126	347	All	5760
66-127	348	All	4312.78
66-128	391	All	5760
66-129	392	All	4583.23
66-130	612	All	5760
66-131	655	All	5760
66-132	656	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-133	57	All	5760
66-134	58	All	5760
66-135	100	All	5760
66-136	101	All	5760
66-137	102	All	5760
66-138	135	All	5760
66-139	136	All	5760
66-140	146	All	5760
66-141	177	All	5760
66-142	178	All	5760
66-143	179	All	5760
66-144	180	All	5760
66-145	189	All	5760
66-146	190	All	5760
66-147	222	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)
(Continued)

Tract	Block	Description	Acreage
66-148	223	All	5760
66-149	224	All	5760
66-150	232	All	5760
66-151	233	All	5760
66-152	267	All	5760
66-153	275	All	5760
66-154	276	All	5760
66-155	309	All	5760
66-156	310	All	5760
66-157	353	All	5760
66-158	397	All	5760
66-159	398	All	5760
66-160	399	All	5760
66-161	400	All	5760
66-162	401	All	5760
66-163	406	All	5760
66-164	407	All	5760
66-165	444	All	5760
66-166	445	All	5760
66-167	450	All	5760
66-168	451	All	5760
66-169	488	All	5760
66-170	489	All	5760
66-171	490	All	5760
66-172	491	All	5760
66-173	492	All	5760
66-174	494	All	5760
66-175	495	All	5760
66-176	533	All	5760
66-177	534	All	5760
66-178	535	All	5760
66-179	536	All	5760
66-180	577	All	5760
66-181	578	All	5760
66-182	579	All	5760
66-183	580	All	5760
66-184	581	All	5760
66-185	584	All	5760
66-186	585	All	5760
66-187	586	All	5760
66-188	621	All	5760
66-189	622	All	5760
66-190	623	All	5760
66-191	629	All	5760
66-192	630	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)
(Continued)

Tract	Block	Description	Acreage
66-193	665	All	5760
66-194	666	All	5760
66-195	667	All	5760
66-196	668	All	5760
66-197	673	All	5760
66-198	674	All	5760
66-199	709	All	5760
66-200	710	All	5760
66-201	711	All	5760
66-202	712	All	5760
66-203	717	All	5760
66-204	718	All	5760
66-205	753	All	5760
66-206	754	All	5760
66-207	755	All	5760
66-208	756	All	5760
66-209	759	All	5760
66-210	760	All	5760
66-211	761	All	5760

1/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13).

2/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13), excluding any valid state leases.

13. Lease Terms and Stipulations. All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New Orleans Outer Continental Shelf Office, at the address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on (1) a cash bonus basis with a fixed net profit share, listed in paragraph 4 (a), and (2) a net profit share basis with a fixed cash bonus, listed in paragraph 4 (b), Form 3300-1 will be amended as follows:

Sec. 4. Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of _____ percent with a ____ capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations, the term DCM refers to the Deputy Conservation Manager, Offshore Field Operations, Gulf of Mexico OCS Region, U. S. Geological Survey, and the term Manager refers to the Manager of the New Orleans OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the DCM, having reason to believe that a site, structure, or object of historical or archaeological significance (hereinafter referred to as "cultural resource") may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements.

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, (hereinafter referred to as "operation"), the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys, as well as other pertinent natural and cultural environmental data, shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and to the Manager for review.

If such cultural resource indicators are present, the lessee shall: (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and the Manager for review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation No. 2

(To be included only in leases resulting from this sale for tracts 66-121 through 66-211).

Prior to any drilling activity or the construction or placement of any structure for exploration or development on this lease, including but not limited to well drilling and pipeline and platform placement, the lessee will submit to the DCM, as part of his exploration and/or development plan, a bathymetry map, prepared utilizing remote sensing and/or other survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum radius of 1,820 meters of the proposed exploration or production activity site.

For the purpose of this stipulation, "live bottom areas" are defined as those areas which concern biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring hard or rocky formations with rough broken or smooth topography; or whose lithotope favors the accumulation of turtles, fishes, and other fauna.

If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the DCM photo-documentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the DCM will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include, but are not limited to, the following:

(a) The relocation of operations to avoid live bottom areas;
(b) The shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas;
(c) The transportation of drilling fluids and cuttings to approved disposal sites; and
(d) The monitoring of live bottom areas to assess the adequacy of any mitigating measures taken and the impact of lessee initiated activities.

Stipulation No. 3

(To be included only in leases resulting from this sale for tracts 66-121 through 66-211).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents, or employees, being conducted as a part of, or in connection with the programs and activities of the Armament Division, Eglin AFB, FL.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and its agents, employees, or invitees, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Armament Division of Eglin AFB, FL, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Armament Division, Eglin AFB, FL, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 4

(To be included only in leases resulting from this sale for tracts 66-32, 66-33, 66-48, 66-49, 66-50, 66-52, 66-56 through 66-61, 66-106 through 66-112, 66-114, and 66-117 through 66-120).

Portions of this lease may be subject to mass movement of sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the DCM's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads, and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas are allowed, all such unstable areas must be mapped. The DCM may also require soil testing before exploration and production operations are allowed.

Stipulation No. 5

(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraphs 4(a) and 4(b) of this notice).

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value, however, not more than 16-2/3 percent of the production saved, removed, or sold from the lease area may be taken as a net profit share payment in amount, except as provided in Sec. 15(d); additional net profit share payments shall be calculated to include the value of such production in excess of 16-2/3 percent.

Stipulation No. 6

(To be included only in the leases resulting from this sale for tracts 66-104, 66-105 and 66-113).

All or portions of this tract may be subject to mass movement of sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the Deputy Conservation Manager's (DCM) satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads, and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

Prior to the emplacement of exploration or production structures or seafloor production equipment, site-specific surveys and analyses must be conducted to determine the potential mass movement of sediments. These may include geophysical surveys, coring, mapping, in situ or laboratory geotechnical analyses, and other studies specified by the DCM. Permissible loading will be determined on the basis of the site-specific studies. Any facilities which could overload unstable bottom sediments will be prohibited. Quarters, work areas, and hydrocarbon treating and storage equipment must be isolated or protected from the effects of submarine slides. These requirements may necessitate the use of buoyant platforms and storage facilities or remote bottom-founded platforms located in stable sites.

All production wells must be equipped with subsurface-safety devices, as approved by the DCM to automatically prevent the flow of hydrocarbons from the well in the event of damage to the surface-safety systems. Such devices must be located below the zone of potential mass movement.

14. Information to Lessees. The Department of the Interior will seek the advice of the States of Louisiana, Mississippi, Alabama, and Florida, and other Federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely affected by the proposed activities, then the Deputy Conservation Manager, Offshore Field Operations, USGS, in consultation with the Regional Director, U.S. Fish and Wildlife Service; the Manager, BLM; the States; EPA; and other Federal agencies with jurisdiction and expertise to protect the environment, will require the lessee, pursuant to Section 5(a) of the Outer Continental Shelf (OCS) Lands Act of 1953, as amended, to undertake any measures to protect live bottom areas.

Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with Section 4(e) of the OCS Lands Act, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are advised that in accordance with Section 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give

particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

Bidders are advised that the Department of Energy is authorized, under Section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

Bidders are advised that the West Indian Manatee (sea cow) is a marine mammal which is officially listed as an endangered species by the Department of the Interior. It is protected by the Endangered Species Act of 1973, as amended (86 Stat. 1027, 16 U.S.C. 1361-1407), and various other State and Federal laws and regulations. On October 22, 1979 (44 FR 60963), Interior promulgated regulations (50 CFR 17.100-17.108) providing a means for establishing manatee protection areas. Also, there is the Florida Manatee Sanctuary Act of 1978 declaring the entire State of Florida as "refuge and sanctuary for the manatee." A Cooperative Agreement between Interior and Florida on endangered species became effective on June 23, 1976. A similar Cooperative Agreement with the State of Georgia became effective on October 6, 1977.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Attachment A
Suggested Bid Form
for Net Profit Share Bidding with a Fixed Cash Bonus

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No.	Percent Net Profit Share Bid (1)	Amount of fixed Cash Bonus Submitted with Bid
_____	_____	_____

Proportionate Interest of Company(s) Submitting Bid

Qualification No. _____ Company _____

Percent Interest _____ Address _____

_____

_____

_____
Signature

(Please type signer's name under signature)

(1) Express as a percent to a maximum of three decimal places after the decimal point. Example: 50.123%.

[FR Doc. 81-16584 Filed 6-3-81; 8:45 am]
BILLING CODE 4310-84-C

Reader Aids

Federal Register

Vol. 46, No. 107

Thursday, June 4, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

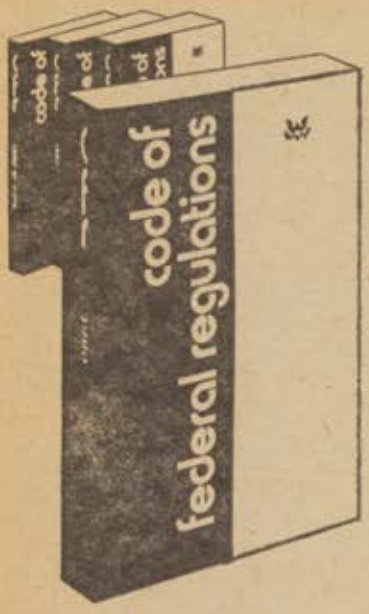
Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 27, 1981



Advance Orders are now Being Accepted for Delivery in About 6 Weeks

Code of Federal Regulations

Revised as of October 1, 1980

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		Total Order	$ _____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

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